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# LAWS

OF THE

# STATE OF ILLINOIS,

PASSED BY THE

THIRTY-SIXTH GENERAL ASSEMBLY.

AT THE REGULAR BIENNIAL SESSION WHICH

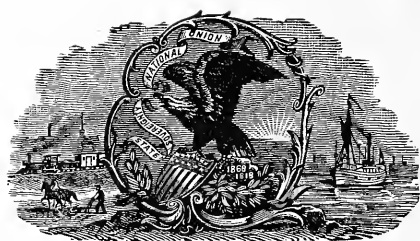
*Convened at the Capitol, in Springfield, on the 9th day of  
January, A. D., 1889, and adjourned sine die on the  
28th day of May, A. D., 1889.*

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# LAWS OF ILLINOIS.

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## ADMINISTRATION OF ESTATES.

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### CLASSIFICATION OF CLAIMS.

§ 1. Amends section 70 by changing the first and third classes.

AN ACT *to amend section seventy (70) of an act entitled "An act in regard to the administration of estates," approved April 1, 1872, in force July 1, 1872, as amended by act approved April 1, 1887, in force July 1, 1887.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section seventy (70) of an act entitled "An act in regard to the administration of estates," approved April 1, 1872, in force July 1, 1872, as amended by act approved April 1, 1887, in force July 1, 1887, be and the same is hereby amended so as to read as follows:

"Section 70. All demands against the estate of any testator or intestate shall be divided into classes, in manner following, to-wit:

First—Funeral expenses and necessary cost of administration.

Second—The widow's award, if there is a widow; or children, if there are children and no widow.

Third—Expenses attending the last illness, not including physician's bill, and demands due common laborers or household servants of deceased for labor.

Fourth—Debts due the common school or township funds.

Fifth—The physician's bill in the last illness of the deceased.

Sixth—Where the decedent has received money in trust for any purpose, his executor or administrator shall pay out of his estate the amount thus received, and not accounted for.

Seventh—All other debts and demands, of whatever kind, without regard to quality or dignity, which shall be exhibited to the court within two years from the granting of letters as afore-

said, and all demands not exhibited within two years, as aforesaid, shall be forever barred, unless the creditors shall find other estate of the deceased, not inventoried or accounted for by the executor or administrator, in which case their claims shall be paid *pro rata* out of such subsequently discovered estate, saving however to infants, persons of unsound mind, persons without the United States in the employment of the United States, or of this State, the term of two years after their respective disabilities are removed, to exhibit their claims."

APPROVED June 5, 1889.

## ALIENS.

### EMPLOYMENT IN THE PUBLIC SERVICE PROHIBITED.

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| <p>§ 1. Prohibits the employment in the public service or on public work of aliens who have not declared their intention of becoming citizens.</p> <p>§ 2. Employers of labor to be paid out of the public funds must furnish evidence of citizenship or declaration of intention.</p> <p>§ 3. Disbursing officer, liable for money paid contrary to the provisions of this act.</p> | <p>§ 4. False certificates, will avoid contracts and forfeit wages earned.</p> <p>§ 5. Employes found to be employed contrary to the provisions of this act shall be discharged.</p> <p>§ 6. Failure to take out final papers.</p> |
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*AN ACT to protect the Labor of Native and Naturalized Citizens and of those who have in good faith declared their intentions to become Naturalized American Citizens.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for any board or commission, or any officer or other person acting for the State, or for any county, township, city, village, district, or other municipality in the State, or any contractor or sub-contractor, under any or either of said municipalities, to employ any person or persons, other than native born or naturalized citizens or those who have in good faith declared their intentions to become citizens of the United States, when such employes are to be paid, in whole or in part, directly or indirectly, out of any funds raised by taxation.



§ 2. It shall be the duty of any person or persons employing labor or other services, to be paid for, in whole or in part, directly or indirectly, out of any funds raised by taxation, to file with the treasurer or disbursing officer of such funds a certificate showing to the best of his knowledge and belief that the persons so employed, and on whose account payment is to be made out of such public funds, are citizens of the United States, or have in good faith declared their intentions to become such citizens, or are of such age or sex that they cannot declare their intentions to become citizens, or cannot be formally declared to be citizens by an order of a court of record.

§ 3. Any treasurer or disbursing officer who shall knowingly or willfully pay out any of the funds in his hands, raised by taxation, to any person not a native born or naturalized citizen, or who has not in good faith declared his intentions to become a citizen, for labor or any other services, shall be liable to the municipality to which such funds belonged for the amount so paid, to be recovered in any court of competent jurisdiction: *Provided*, that when such payment is made on the requisite certificate of the employer, no liability shall attach to such treasurer or disbursing officer.

§ 4. Any employer, contractor or sub-contractor, or other person, whose employes are to be paid in whole or in part; directly or indirectly from funds raised by taxation, who shall knowingly or negligently make false certificate that said employes are native or naturalized citizens, or have declared their intentions to become citizens for the purpose of drawing such funds or any part thereof, shall be personally liable to the municipality to which such funds belonged for the amount so drawn, and any alien who earns wages, the pay for which is to come out of any such public funds by falsely representing that he is a native or naturalized citizen, or has declared his intention to become a citizen, shall forfeit the amount so earned. Such contract is declared null and void.

§ 5. Whenever any employer, contractor or sub-contractor, by written or oral information, or from any source has reason to believe that he has in his employ persons other than native or naturalized citizens, or those who have in good faith declared their intentions to become citizens, whose pay is to be drawn in whole or in part, directly or indirectly from such public funds, he shall at once investigate the matter, and if he shall find said information to have been correct, he shall discharge such employè or employès, and a failure to do so shall render him liable to the municipality to which such funds belonged for any of such funds paid to such alien for labor or services performed after such discovery.

§ 6. In all cases where an alien, after filing his declaration of intention to become a citizen of the United States, shall, for the space of three months after he could lawfully do so, fail to take out his final papers and complete his citizenship, such failure shall be *prima facie* evidence that his declaration of intentions was not made in good faith.

APPROVED June 1, 1889.

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## ANIMALS.

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### SHEEP, DAMAGES BY DOGS.

- § 1. Amends section 5, act 1879, as amended 1881, by inserting the words "and if the total damages claimed by such applicant in his affidavit do not exceed four dollars," etc., to and including the word "contrary."

AN ACT to amend section five (5) of an act entitled "*An act to indemnify the owners of sheep in cases of damage committed by dogs,*" approved May 29, 1879, in force July 1, 1879 amended by act approved May 28, 1881, in force July 1, 1881.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section five (5) of an act entitled "*An act to indemnify the owners of sheep in cases of damage committed by dogs,*" approved May 29, 1879, in force July 1, 1879, amended by act approved May 28, 1881, in force July 1, 1881, be hereby amended so that the same will read as follows:

"Section 5. No person having sheep killed or injured as afore-said shall be entitled to receive any portion of the fund herein provided for, unless he shall appear before a justice of the peace of the county in which such sheep were killed or injured, within three days from the time when such injury or damage is discovered, and make affidavit stating the number of sheep killed or injured and the amount of damage so done by dogs, and that the owner or keeper of the dog or dogs which destroyed or injured the applicant's sheep is or are unknown, or if known, then stating the name; and that such owner or keeper is insolvent, and that the applicant has received no compensation from the owner or keeper, or any other person, for the damage sustained; and if the total damages claimed by such applicant in his affidavit do not exceed four dollars, then such affidavit shall be sufficient proof upon which to recover the amount of damages

stated therein, in the absence of satisfactory evidence to the contrary, and thereupon the said justice of the peace shall enter the same on his docket in the same manner as other suits are docketed, and if the damages assessed or claimed by the applicant do exceed the amount of four dollars, he shall proceed to hear testimony of one or more freeholders as to the number and value of the sheep killed or injured, and from such evidence shall find the damages sustained, and shall make record of his findings as of judgment in other cases. He shall, upon the request of the applicant in such proceedings, make a certified copy from his docket of said proceedings, and the same, with the original affidavit of the applicant, shall be filed with the county treasurer in counties not under township organization, and in counties under township organization with the supervisor of the town in which such sheep were injured or destroyed, within ten (10) days thereafter, and when so filed shall be sufficient evidence of loss or damage by dogs as aforesaid, and the license fund as aforesaid shall be paid thereupon on the first Monday of March in each year, as hereinbefore provided.

APPROVED June 3, 1889.

#### TRANSPORTATION OF CATTLE SUFFERING WITH "TEXAS" FEVER.

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| <p>§ 1. Transportation companies prohibited from bringing cattle into or through this State from districts scheduled by proclamation of the Governor on account of splenic or Texas fever, unless the way-bill or bill of lading states the point from where originally brought.</p> | <p>§ 3. Cattle transported must be unloaded into special pens.</p>   |
| <p>§ 2. Cars or steamboats in which such cattle are shipped must be cleaned and disinfected before being used for other purposes.</p>  | <p>§ 4. Stock yard companies shall set apart special portions of the yards for the reception of such cattle.</p> |
|  | <p>§ 5. Penalties for violation of this act.</p>   |
|  | <p>§ 6. Emergency.</p>   |

*AN ACT to define the duties of railroad, steamboat, transportation and stock yard companies under proclamations of the Governor, scheduling territory on account of splenic or Texas fever among cattle.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That, during the time specified by any proclamation of the Governor of this State,*

restraining the importation of cattle from any territory therein scheduled, on account of splenic or Texas fever, all railroad, steamboat and transportation companies in this State transporting such cattle into or through this State, or that shall receive or ship such cattle that have, prior to such shipment, been shipped or driven out of such scheduled territory to the point where they are received by such railroad, steamboat or transportation company, for transportation into or through this State, shall, by their way-bill or bill of lading, state explicitly the point from whence said cattle were originally shipped or derived.

§ 2. That all railroad, steamboat and transportation companies that shall so receive and ship such cattle, shall, immediately after the said cattle are unloaded, and before the said cars are used for any other purpose, cleanse and disinfect such cars or quarters in which the same are shipped, in accordance with the rules and regulations that may hereafter be presented by the Board of Live Stock Commissioners of the State of Illinois, and approved by the Governor.

§ 3. That all railroad, steamboat and transportation companies that shall hereafter unload any such cattle in any yards along the line of their said roads or routes of travel, shall unload such cattle in pens set apart especially for such cattle, and shall allow no other cattle to enter into or be placed in such pens.

§ 4. All stock yard companies in the State of Illinois receiving cattle shall set apart certain portions of their yards for the cattle described in the above sections, and shall conspicuously mark same, and shall provide separate chutes, alleys and scales for such cattle; and where the way-bills or bills of lading of the railroads delivering the same show that they are the kind of cattle before described, they shall be placed in that portion of the yards set apart for such cattle, and in no case shall such cattle be unloaded by any railroad, steamboat or transportation company in yards or pens other than those set apart for the exclusive receiving and yarding of such cattle.

§ 5. Any railroad, steamboat, transportation or stock yard company violating any of the provisions of this act, or any of the rules of the Board of Live Stock Commissioners, referred to herein, or relating to the transportation of cattle from territory scheduled by the Governor, on account of splenic or Texas fever, shall be fined in any sum not exceeding one thousand dollars (\$1,000) for each offense. Such fines shall be recovered by action of debt in the name of the People of the State of Illinois, and shall be paid into the county treasury of the county in which the suit is brought. It shall be the duty of the State's Attorney of any county in which suit may be brought to begin and prosecute any action for the recovery of the penalty herein

provided, upon request of the Board of Live Stock Commissioners of Illinois. And it shall be the duty of any person having knowledge of a violation of any of the provisions of this act, to report the same to said board.

§ 6. Whereas, an emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED May 28, 1889.

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#### LIENS ON GET OF SIRES.

§ 1. Amends section 3, act of 1887, by making the time of lien six months, and the time of filing certificate of service extended to 12 months.

Amends section 6 by authorizing a fee for the certificate of not more than \$2.

AN ACT to amend sections three (3) and six (6) of an act to protect stock breeders within the State of Illinois," approved June 10, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections three (3) and six (6) of "An act to protect stock breeders within the State of Illinois," approved June 10, 1887, in force July 1, 1887, be amended so as to read as follows:

"Section 3. The owner or owners of any sire receiving such certificate, by complying with section one (1) of this act, shall obtain and have a lien upon the get of any such sire for the period of six months from the date of birth of get: *Provided*, said owner or owners shall, within twelve months of the time of rendition of such service by such certified sire, file for record a statement of account, verified by affidavit or affirmation with the recorder of the county wherein the service has been rendered, of the amount due such owner or owners for said service, together with a description of the female served."

Section 6. "The Illinois Board of Agriculture is authorized to make a charge for such certificate, not to exceed two dollars, as may be necessary to cover the expense incident to the executing the provisions of this act."

APPROVED June 1, 1889.

APPROPRIATIONS.  

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## FURNISHING APPELLATE COURT ROOMS FIRST DISTRICT.

§ 1. Appropriates \$7,640 for furnishing the Appellate Court rooms of the first district.

*AN ACT making an appropriation for furnishing, carpeting, decorating and supplying the rooms of the Appellate Court of the First District of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of seven thousand six hundred and forty dollars (\$7,640) be and the same is hereby appropriated for furnishing, carpeting, decorating and supplying the rooms of the Appellate Court of the First District of Illinois, the foregoing amount to be paid upon bills of particulars, certified to by the clerk of said court, and upon the order of at least two of the judges thereof: and upon the presentation of such certified bills, and such orders, the Auditor of Public Accounts is hereby authorized to draw his warrant or warrants upon the State Treasurer, payable out of such appropriation for the amount of such bills respectively, not exceeding in all the said sum of seven thousand six hundred and forty dollars, and the State Treasurer shall pay the same out of the proper funds of the treasury, not otherwise appropriated. Said warrants shall be drawn in favor of, and be made payable to the order of the person or persons entitled thereto.

APPROVED June 3, 1889.  

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## ASYLUM FOR INSANE CRIMINALS.

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| <p>§ 1. Asylum for insane criminals established; located on the penitentiary grounds at Chester; under control of penitentiary commissioners.</p> <p>§ 2. Penitentiary commissioners shall have plans for building and estimates prepared, to accommodate 150 patients, to cost not to exceed \$45,000; plans shall be approved by State Boards of Charities and Health; construction under supervision of penitentiary commissioners.</p> <p>§ 3. Appropriates \$50,000 for the erection and furnishing.</p> <p>§ 4. Appointment of Medical Superintendent.</p> | <p>§ 5. Asylum shall be subject to inspection by the State Board of Charities.</p> <p>§ 6. When the Asylum is opened to receive patients, transfers shall be made from the other institutions and penitentiaries.</p> <p>§ 7. Commitments to the asylum by the courts.</p> <p>§ 8. Commitments from the penitentiaries.</p> <p>§ 9. Commitments from the hospitals for the insane.</p> <p>§ 10. Convicts continuing insane after expiration of sentence; convicts restored to health.</p> <p>§ 11. Expenses of conveying to Asylum.</p> |
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*AN ACT to provide for the location, erection, organization and management of an Asylum for Insane Criminals, and making an appropriation for the construction of necessary buildings.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby created and established an asylum for the proper care, custody and treatment of insane criminals, to be known as the Illinois Asylum for Insane Criminals. The said asylum shall be located upon the grounds of the penitentiary at Chester, in this State, and shall be subject to the supervision and control of the board of commissioners of the said penitentiary, under the same rules, regulations and conditions as trustees of the State Charitable Institutions, as now provided by law, so far as the same are applicable.

§ 2. The said commissioners are directed and required to cause to be prepared the necessary plans and specifications, by a competent architect of established reputation for ability and integrity, said plans and specifications to embrace the most approved construction, having reference particularly to strength and durability, and also to prudence and economy of expenditures, and shall be accompanied by a detailed estimate of quantities, and an estimate of the total cost for the erection and full completion according to said plans of buildings for the care and accommodation of one hundred and fifty patients, with the usual proportion of officers and employes, which shall not exceed, in the aggregate, the sum of forty-five thousand dollars (\$45,000), including the offices, kitchens, bakeries, laundry, coal-house, store-house, and the cost of heating and lighting

the same, together with the system of sewerage and water supply. No plan shall be adopted by the said commissioners which shall not first have been approved by the State Commissioners of Public Charities, and in respect to its sanitary features by the State Board of Health. The erection of such building shall be made under the supervision of the board of commissioners of said penitentiary, and in its construction they shall use the labor of the convicts of the said penitentiary so far as the same may be practicable, and shall use the stone quarried on the grounds of said penitentiary: *Provided*, that the board of commissioners of said penitentiary shall render bills for all expenses incurred in and about the construction of said building or buildings, which bills shall be accompanied by sub-vouchers for each item, and no amount shall be allowed by the Auditor of Public Accounts and paid in excess of such actual expenses.

§ 3. For the erection of buildings and completion of the whole, also for the purchase of furniture and fixtures at the direction of the commissioners, the sum of fifty thousand dollars (\$50,000) is appropriated, payable on the terms, and in the same manner now provided by law, out of any moneys in the treasury not otherwise appropriated, and the commissioners are hereby directed and required so to apportion the expenditures of the said appropriation as to secure actual provision for the reception and care of the largest possible number of patients at the earliest practicable time.

§ 4. When the said asylum shall be ready for occupancy, or before, if the commissioners shall deem it necessary, they shall appoint a medical superintendent of the asylum, who shall be a well educated physician, experienced in the treatment of the insane, whose duties shall be the same as in the several hospitals for insane in this State, as provided by law.

§ 5. The said asylum shall be subject to the inspection of the State Board of Commissioners of Public Charities in the same manner as now provided by law for their inspection of the several Charitable Institutions of this State, and their powers and duties with relation to such asylum shall be the same.

§ 6. When the Illinois Asylum for Insane Criminals is opened for the reception of patients, the medical superintendents of the Illinois Northern Hospital for the Insane, at Elgin; the Illinois Eastern Hospital for the Insane, at Kankakee; the Illinois Central Hospital for the Insane, at Jacksonville; the Illinois Southern Hospital for the Insane, at Anna, and the wardens of the penitentiaries at Joliet and Chester, shall, with the consent of the board of trustees or board of commissioners of their respective institutions, proceed to transfer to said Asylum



for Insane Criminals all convict insane that may be in their respective institutions, all discharged convict insane, and all insane that shall have been sent to said hospitals under the *mittimus* of any of the several courts of this State.

§ 7. At any time after the said Illinois Asylum for Insane Criminals shall be opened for the reception of patients, when a person shall be acquitted on trial of the crime of murder, attempt at murder, rape, attempt at rape, highway robbery or arson, on the ground of insanity, the judge of the court in which such trial is had shall order his safe custody and removal to such asylum, where he shall remain until restored to his right mind, and be adjudged by the medical superintendent thereof, and the Board of Commissioners of Public Charities, a fit subject to be discharged.

§ 8. Whenever the physician to either of the penitentiaries shall certify to the warden, or other officer in charge, that any convict is insane, it shall be the duty of the said warden, or other officer in charge, to make a full examination into the condition of such convict, and if fully satisfied that he is insane the said warden, or other officer in charge, where said convict is confined, shall forthwith cause such convict to be transferred to the Illinois Asylum for Insane Criminals, after such institution shall have been opened for the reception of patients, and to deliver him to the medical superintendent thereof, who is hereby required to receive him into said asylum and retain him there until legally discharged.

§ 9. The medical superintendent of either of the hospitals for the insane in Illinois, with the consent of their board of trustees, may make application to the Board of Commissioners of Public Charities for an order of transfer of any or all criminal insane persons under treatment in such hospitals who have been guilty, previous to admission to the hospital, of an act of homicide, highway robbery, rape, or an attempt to commit rape, or arson, and whose presence is dangerous to others. Likewise, all insane persons who have committed an act of homicide, or who have attempted to commit such act, rape, or an attempt to commit rape, arson, or an attempt to commit arson while under treatment in either of said hospitals, and the Board of Commissioners of Public Charities shall investigate all the facts, and may, in their discretion, order the transfer of such person or persons to the Illinois Asylum for Insane Criminals, when the same shall have been opened for the reception of patients. In case any patient under treatment, in any of the State hospitals for the insane, shall, at any future time after the organization of the Illinois Asylum for Insane Criminals, commit any act of homicide, rape or arson, or attempt to commit either of such acts, proceedings may be instituted and had as above, and he may be transferred to such Asylum for Insane Criminals in the same manner as herein provided.

§ 10. In case the insanity of any convict shall continue after the expiration of his sentence, he shall be retained in said asylum until adjudged by the medical superintendent thereof and the board of commissioners of such penitentiary, a fit subject to be discharged. Whenever any convict who shall have been confined in said asylum as a lunatic shall have been restored to reason, and the medical superintendent shall so certify in writing, he shall forthwith be transferred to the penitentiary from whence he came and the agent or warden of such penitentiary shall receive the said convict into such penitentiary. - Any convict whose sentence has expired, and who is still insane, may be delivered to his relatives or friends, who will undertake, with good sureties to be approved by the board of commissioners for his peaceful behavior, safe custody and comfortable maintenance without further public charge.

§ 11. The expenses of the transfer of any insane person or persons to the Illinois Asylum for Insane Criminals, either from any other of the State institutions, or upon the order or *mitimus* of any of the several State courts, shall be defrayed from the State Treasury in the same manner as the cost of conveying convicts to the State penitentiaries is defrayed: *Provided*, that the bills rendered for such service shall show all the items of expense actually incurred, and be accompanied by sub-vouchers for each item, and no amount shall be allowed and paid by the Auditor of Public Accounts in excess of such actual expense.

APPROVED June 1, 1889.

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#### STATE BOARD OF AGRICULTURE.

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| § 1. Appropriates \$14,800 per annum to the use of the State Board of Agriculture, and \$100 per annum for each agricultural society holding fairs, estimated at \$7,500 per annum. | § 2. How drawn.<br>§ 3. Payments to agricultural societies. |
|---|---|

*AN ACT making appropriations for the State Board of Agriculture and County and other Agricultural Fairs.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated to the State Board of Agriculture the following sums, to-wit:

For the payment of premiums at the annual State Fair and Stock Show, the sum of five thousand dollars (\$5,000) per an-

num for the years 1889 and 1890; and for the use of each county or other agricultural society, the sum of one hundred dollars (\$100) per annum, to be paid to the treasurer of the society, for fairs held in the years 1888 and 1889; and for the use of each congressional district holding farmers' institute meetings, for the payment of the expenses of holding such institute meetings and publishing and distributing reports of such meetings, the sum of one hundred dollars (\$100) per annum, to be drawn upon the order of the State Board of Agriculture, and to be paid on account of such meetings held for the years 1889 and 1890.

For the salary of the secretary, the sum of twenty-five hundred dollars (\$2,500) per annum, for the years 1889 and 1890.

For chief clerk, the sum of sixteen hundred dollars (\$1,600) per annum, for the years 1889 and 1890.

For curator, the sum of eight hundred dollars (\$800) per annum, for the years 1889 and 1890.

For clerk hire, the sum of one thousand dollars (\$1,000) per annum for the years 1889 and 1890.

For porter, the sum of eight hundred dollars (\$800) per annum, for the years 1889 and 1890.

For the agricultural museum, the sum of three hundred dollars (\$300) per annum, for the years 1889 and 1890.

For the expense of collecting, compiling and publishing crop and meteorological statistics and proceedings of institute meetings, the sum of twelve hundred dollars (\$1,200) per annum, for the years 1889 and 1890.

For the agricultural library, the sum of four hundred dollars (\$400) per annum, for the years 1889 and 1890.

For office expenses, furniture, repairs, postage, expressage, etc., the sum of twelve hundred dollars (\$1,200) per annum, for the years 1889 and 1890.

§ 2. That, on the order of the president, countersigned by the secretary of the State Board of Agriculture, and approved by the Governor, the Auditor of Public Accounts shall draw his warrant upon the Treasurer in favor of the treasurer of the Illinois State Board of Agriculture for the sums herein appropriated: *Provided*, that each warrant on account of the fair shall show the agricultural society for whose benefit the same is drawn, and that no warrant shall be drawn in favor of any agricultural society unless the order aforesaid be accompanied by a certificate of the State Board of Agriculture, showing that such agricultural society held an agricultural fair during the preceding year, in compliance with the rules and regulations as provided by said State Board of Agriculture: *Provided, further*, that no part of the moneys herein provided for shall be drawn from the public treasury prior to the first day of July, A. D. 1889: *And, provided, further*, that no warrant shall be drawn

in favor of any agricultural society until the president and treasurer of such society file an affidavit with the State Board of Agriculture that no wheel of fortune or other gambling device was licensed or allowed upon their fair ground: *And, provided, further*, that no funds of the State Board of Agriculture shall be paid by the treasurer thereof to any member of said board or members of their immediate families for services rendered, material furnished or any other consideration.

§ 3. It shall be the duty of the treasurer of the State Board of Agriculture, on the order of the president, countersigned by the secretary of the State Board of Agriculture, to pay over to the treasurer of each agricultural society, the sum received for its use and benefit as aforesaid, and make a biennial report to the Governor of all such appropriations received and disbursed by him.

APPROVED May 23, 1889.

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#### INSTITUTION FOR THE BLIND.

§ 1. Appropriates \$27,350 for repairs, improvements and buildings.

§ 2. How drawn.

#### AN ACT *making appropriations for the Illinois Institution for the Education of the Blind.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be and are hereby appropriated to the Illinois Institution for the Education of the Blind, for the purposes hereinafter named:

For repairs to cornice, one thousand dollars (\$1,000).

For piano-tuning and repair department, three thousand dollars (\$3,000).

For cottage for girls, eighteen thousand dollars (\$18,000).

For covered walk for girls, one thousand dollars (\$1,000).

For repairs of chapel, forty-three hundred and fifty dollars (\$4,350).

§ 2. The moneys herein appropriated shall be due and payable to the trustees, or their order, only on the terms and in the manner now provided by law.

APPROVED May 29, 1889.

## CENTRAL HOSPITAL FOR THE INSANE.

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| § 1. Appropriates \$16,907.70 for buildings, improvements and street paving. | § 2. How drawn. |
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AN ACT *making appropriations to the Illinois Central Hospital for the Insane, for stable, for storehouse, for steam engine, and for street paving.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts be and are hereby appropriated to the Illinois Central Hospital for the Insane, at Jacksonville:

For brick stable and carriage house, four thousand five hundred dollars (\$4,500).

For storehouse, twenty-five hundred dollars (\$2,500).

For one steam engine, sixteen hundred dollars (\$1,600).

For street paving, eight thousand three hundred and seven dollars and seventy cents (\$8,307.70).

§ 2. The moneys herein appropriated shall be due and payable to the trustees of the aforesaid institution, or their order, only on the terms and in the manner now provided by law.

APPROVED May 29, 1889.

## CHARITABLE INSTITUTIONS, STATE, ORDINARY EXPENSES.

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|---|--|
| § 1. Appropriates \$958,000 for the year 1889, for ordinary expenses.   | § 4. Appropriates \$4,000 per annum for library purpose.   |
| § 2. Appropriates \$1,023,000 for the year 1890, for ordinary expenses. | § 5. How drawn; contracts for work.  |
| § 3. Appropriates \$46,000 per annum for repairs and improvements.      | § 6. State Treasurer authorized to receive money on account of Soldiers' Home, from the United States. |

AN ACT *making appropriations for the ordinary expenses of the State Institutions herein named.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated, for the purpose of defraying the ordinary expenses of the State institutions named in this act, for the year beginning July 1, 1889, the sum of \$958,000, payable quarterly in advance, and that the said appropriation shall be apportioned between the said institutions as follows:

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To the Northern Hospital for the Insane.....	\$70,000
To the Eastern Hospital for the Insane.....	216,000
To the Central Hospital for the Insane.....	120,000
To the Southern Hospital for the Insane.....	100,000
To the Institution for the Deaf and Dumb.....	100,000
To the Institution for the Blind.....	38,000
To the Asylum for Feeble-Minded Children.....	66,000
To the Soldiers' Orphans' Home.....	45,000
To the Charitable Eye and Ear Infirmary.....	27,000
To the State Reform School.....	46,000
To the Soldiers' and Sailors' Home.....	130,000

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Total.....\$958,000

§ 2. For the purpose of defraying the ordinary expenses of the said institutions for the year beginning July 1, 1890, the sum of \$1,023,000 is appropriated, payable quarterly in advance, which amount shall be apportioned among them as follows, and at the same rate until the expiration of the first fiscal quarter after the adjournment of the next General Assembly:

To the Northern Hospital for the Insane.....	\$90,000
To the Eastern Hospital for the Insane.....	236,000
To the Central Hospital for the Insane.....	140,000
To the Southern Hospital for the Insane.....	100,000
To the Institution for the Deaf and Dumb.....	100,000
To the Institution for the Blind.....	38,000
To the Asylum for Feeble-Minded Children.....	66,000
To the Soldiers' Orphans' Home.....	50,000
To the Charitable Eye and Ear Infirmary.....	27,000
To the State Reform School.....	46,000
To the Soldiers' and Sailors' Home.....	130,000

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Total.....\$1,023,000

§ 3. For the purpose of enabling the institutions to make such repairs and improvements as may be necessary or desirable, the sum of \$46,000 per annum is appropriated, as follows:

To the Northern Hospital for the Insane.....	\$5,000
To the Eastern Hospital for the Insane.....	10,000
To the Central Hospital for the Insane.....	7,000
To the Southern Hospital for the Insane.....	5,000
To the Institution for the Deaf and Dumb.....	5,000
To the Institution for the Blind.....	2,000
To the Asylum for Feeble-Minded Children.....	2,000
To the Soldiers' Orphans' Home.....	2,000
To the Charitable Eye and Ear Infirmary.....	1,000
To the State Reform School.....	2,000
To the Soldiers' and Sailors' Home.....	5,000

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Total.....\$46,000

§ 4. For the maintenance of libraries for the use of inmates of the several institutions, the sum of \$4,000 per annum is appropriated, as follows:

To the Northern Hospital for the Insane.....	\$250
To the Eastern Hospital for the Insane.....	800
To the Central Hospital for the Insane.....	400
To the Southern Hospital for the Insane.....	250
To the Institution for the Deaf and Dumb.....	500
To the Institution for the Blind.....	200
To the Asylum for the Feeble-Minded Children....	200
To the Soldiers' Orphans' Home.....	500
To the Charitable Eye and Ear Infirmary.....	100
To the State Reform School.....	300
To the Soldiers and Sailors' Home.....	500
Total.....	<u>\$4,000</u>

§ 5. The moneys herein appropriated shall be due and payable to the trustees of the several institutions named, or to their order, only on the terms and in the manner now provided by law: *Provided*, that all contracts for repairs or improvements, involving an expenditure of \$500 or more, shall be let to the lowest bidder, after the trustees have given thirty days' public notice of the letting of said contract, in some newspaper having general circulation in the county where said institution is located.

§ 6. The treasurer of the State of Illinois is hereby authorized to receive any moneys which may be paid to this State by the managers of the National Home for Disabled Volunteer Soldiers, under the provisions of an act approved by the President of the United States, August 27, 1888.

APPROVED May 29, 1889.

#### DAIRYMEN'S ASSOCIATION.

§ 1. Appropriates \$1,000 per annum for publishing and distributing report.	§ 2. How drawn.
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AN ACT *making an appropriation in aid of the Illinois Dairymen's Association.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of

one thousand dollars per annum be and the same is hereby appropriated to aid the Illinois Dairymen's Association in compiling, publishing and distributing its report.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the sum in this act specified, on bills of particulars, certified to by the officials of said association, to the order of the president of said association, and the State Treasurer shall pay the same out of any fund in the State treasury not otherwise appropriated.

APPROVED May 25, 1889.

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#### INSTITUTION FOR THE DEAF AND DUMB.

§ 1. Appropriates \$10,000 for extension of the grounds, \$1,200 for engine, and \$6,000 for street improvements and paving.	§ 2. How drawn.
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#### AN ACT *making appropriations to the Illinois Institution for the Education of the Deaf and Dumb.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be and are hereby appropriated to the Illinois Institution for the Education of the Deaf and Dumb:

For the extension and improvement of the grounds of the institution, ten thousand dollars (\$10,000).

For the purchase of engine to run electric light plant, twelve hundred dollars (1,200).

For street improvements, paving, etc., six thousand dollars (\$6,000).

§ 2. The moneys herein appropriated shall be due and payable to the trustees of the aforesaid institution, or their order, on the terms and in the manner now provided by law.

APPROVED May 27, 1889.

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## EYE AND EAR INFIRMARY.

§ 1. Appropriates \$3,352.

AN ACT *making appropriations for the Illinois Charitable Eye and Ear Infirmary, at Chicago.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated to the Illinois Charitable Eye and Ear Infirmary, at Chicago, for paving Peoria street, (assessment) the sum of four hundred and two dollars (\$402).

For painting the buildings, the sum of nine hundred and fifty dollars (\$950).

For additional furniture, the sum of two thousand dollars (\$2,000).

§ 2. The moneys herein appropriated shall be due and payable to the trustees of the aforesaid institution, or their order, on the terms and in the manner now provided by law.

APPROVED May 27, 1889.

## EASTERN HOSPITAL FOR THE INSANE.

§ 1. Appropriates \$63,400 for repairs, improvements and machinery.

§ 2. How drawn; limitations.

AN ACT *making appropriations for the Illinois Eastern Hospital for the Insane, at Kankakee.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts be and are hereby appropriated to the Illinois Eastern Hospital for the Insane, at Kankakee, for the purposes herein-after named, and for no other:

Enlarging main kitchen, with cooking apparatus, six thousand and five hundred dollars (\$6,500).

Enlarging laundry building, with machinery, seven thousand dollars (\$7,000).

Straw barn and wagon shed, one thousand eight hundred dollars (\$1,800).

Additional electric lights and machinery, seven thousand five hundred dollars (\$7,500).

Concrete floors in basement corridors, and in walks, one thousand six hundred dollars (\$1,600).

Completing south wing of employè's quarters, fifteen thousand dollars (\$15,000).

Converting old farm house into cottage for 20 patients, and building new farm house, two thousand dollars (\$2,000).

Root house, one thousand dollars (\$1,000).

Land drains and repair of sewer, two thousand dollars (\$2,000).

Coal sheds, one thousand five hundred dollars (\$1,500).

Furniture and fixtures, ten thousand dollars (\$10,000).

For painting inside and outside, seven thousand five hundred dollars (\$7,500).

§ 2. The moneys herein appropriated shall be due and payable to the trustees, or their order, only on the terms now provided by law: *And, provided, further*, that the sums hereby appropriated for the improvements herein shall be the full amounts for the objects specified, and the trustees shall not contract for any portion of the above improvements, or expend any portion of the appropriations hereby made, unless the said appropriations are sufficient to complete all the said improvements and finish the same.

APPROVED May 27, 1889.

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#### EXECUTIVE MANSION, REPAIRING AND FURNISHING.

§ 1. Appropriates \$13,500 for repairing and furnishing the Executive Mansion.

§ 2. Appoints three trustees to superintend the work, disburse the fund, make contracts, etc.

§ 3. How drawn.

AN ACT *making an appropriation for repairing the Executive Mansion and for furnishing the same.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated the sum of thirteen thousand five hundred dollars for the purpose of repairing the Executive Mansion, and for furnishing the same.

§ 2. That N. B. Wiggins, George Passfield and Edward L. Merritt be and they are hereby constituted trustees, who shall have power to contract for all materials and labor, and superintend the repairs and furnishing of said Executive Mansion. Said trustees shall keep an itemized account of all expenditures made under this act, and shall report the same to the next session of the General Assembly, with vouchers for all moneys paid out by them. All material furnished and labor performed shall be let by contract to the lowest responsible bidder, the trustees having the power to reject any or all bids: *Provided*, said trustees shall serve without compensation.

§ 3. The money hereby appropriated shall be paid upon bills of particulars certified to by the architect, who shall be appointed by the trustees, and approved by the trustees, or a majority of them, and the Auditor of Public Accounts shall, on presentation of proper vouchers, draw his warrant on the Treasurer therefor, and the Treasurer is hereby directed to pay the same out of any moneys in the treasury not otherwise appropriated.

APPROVED May 10, 1889.

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#### FEEBLE MINDED CHILDREN ASYLUM.

§ 1. Appropriates \$44,500 for buildings | § 2. How drawn.  
and electric light plant.

#### AN ACT *making appropriations for the Illinois Asylum for Feeble-Minded Children, at Lincoln.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be, and are hereby appropriated to the Illinois Asylum for Feeble-Minded Children at Lincoln, for the purposes hereinafter named:

For the erection of a building for custodial cases, and for furnishing and heating the same, forty thousand dollars.

For the purchase of an electric light plant, four thousand five hundred dollars.

§ 2. The moneys herein appropriated shall be due and payable to the trustees of the aforesaid institution on their order, on the terms and in the manner now provided by law.

APPROVED May 25, 1889.

## GENERAL ASSEMBLY—INCIDENTAL EXPENSES.

- |  |                                    |
|--|------------------------------------|
| § 1. Appropriates \$10,000 for the incidental expenses of the 36th General Assembly. | § 2. How drawn.<br>§ 3. Emergency. |
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AN ACT *to provide for the incidental expenses of the Thirty-sixth General Assembly, and for the care and custody of the State House and grounds, incurred or to be incurred, and now unprovided for.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of ten thousand dollars (\$10,000), or so much thereof as may be required, is hereby appropriated to pay the incidental expenses of the Thirty-sixth General Assembly, or either branch thereof, or by the Secretary of State in the discharge of the duties imposed on him by law, or by the direction of the General Assembly, or either branch thereof; all expenditures to be certified to by the Secretary of State and approved by the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer for the sum herein specified upon presentation of the proper vouchers, and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

§ 3. Whereas, the appropriations above recited are necessary for the expenses incurred, for the transaction of the business of the State and the General Assembly; therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED February 1, 1889.

## GENERAL ASSEMBLY—PAY OF EMPLOYÉS.

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|---|-----------------|
| § 1. Appropriates \$65,000 to pay the employés of the 36th General Assembly | § 2. Emergency. |
|---|-----------------|

AN ACT *making appropriation for the payment of the employés of the Thirty-sixth General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated the sum of sixty-five thousand dollars (\$65,000), or so much thereof as may be necessary, to pay the

employès of the Thirty-sixth General Assembly at the rate of compensation allowed by law; said employès to be paid upon rolls certified to by the presiding officers of the respective houses, or as otherwise provided by law.

§ 2. Whereas, the above appropriation is necessary for the transaction of the business of the State, therefor an emergency exists, and this act shall take effect from and after its passage.

APPROVED January 30, 1889.

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#### GENERAL ASSEMBLY AND SALARIES STATE OFFICERS.

§ 1. Appropriates \$882,000 for the pay of the officers and members of the 37th General Assembly and for the salaries of State officers.

*AN ACT making an appropriation for the payment of the officers and members of the next General Assembly, and for the salaries of the officers of the State Government.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and hereby is appropriated the sum of eight hundred and eighty-two thousand dollars (\$882,000), or such sum as may be necessary to pay the officers and members of the next General Assembly, and the salaries of the officers of the State Government, at such rate of compensation as is now, or hereafter may be fixed by law, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.

APPROVED May 27, 1889.

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#### GETTYSBURG MONUMENT.

§ 1. Appropriates \$6,000 to erect a monument on the battle-field of Gettysburg where the Illinois soldiers opened the battle; appointment of commissioners to erect.

§ 2. How drawn.

*AN ACT to appropriate six thousand dollars to erect a mark on the Gettysburg battle-field where the Illinois troops opened the engagement of said battle.*

“WHEREAS, all the loyal States of the Union having had troops engaged in that memorable battle have made liberal appropriations to erect suitable marks where their troops were engaged, and

"WHEREAS, The 8th Illinois Cavalry, commanded by Major John L. Beveridge, opened the engagement on that memorable field, and the 12th Illinois Cavalry commanded by Capt. Geo. W. Shears, and the 82d Illinois Infantry, commanded by Lieut. Col. Edward S. Solomon, participated in said engagement and all were conspicuous for their bravery, in winning the grand and decisive victory of the late war, therefore."

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of six thousand dollars (\$6,000), is hereby appropriated to procure and erect a suitable mark upon the spot where the Illinois troops opened the battle of Gettysburg; and that the Governor is hereby authorized to appoint three (3) commissioners, one present on the field of battle from each command, who shall procure and have erected said mark at a cost not to exceed the appropriation hereby made, and that such commissioners serve without pay.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the Treasurer for the sum herein specified to said commissioners when appointed, upon presentation of the proper authority from the Governor for the same, and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

APPROVED May 19, 1889.

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T. A. HOFFMAN.

§ 1. Appropriates \$166 for taxes paid in error.

AN ACT appropriating the sum of one hundred and sixty-six dollars to T. A. Hoffman to reimburse him for State tax paid on twenty-three lots in the addition of the school commissioners of Morgan county to the town of Beardstown, before the same were subject to taxation by law.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated out of any moneys in the treasury not otherwise appropriated, the sum of one hundred and sixty-six dollars to reimburse T. A. Hoffman for State taxes paid by him on pro-

perty not subject to taxation, and the Auditor of Public Accounts is hereby directed to draw his warrant on the State Treasurer for that sum, payable to T. A. Hoffman.

APPROVED June 3, 1889.

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#### HORTICULTURAL SOCIETY.

§ 1. Appropriates \$4,000 per annum in aid of the society.

*AN ACT making an appropriation in aid of the Illinois Horticultural Society.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and hereby is appropriated for the use of the Illinois State Horticultural Society, the sum of four thousand dollars (\$4,000) per annum: *Provided, however,* that no portion thereof shall be paid for, or on account of any salary, or emoluments of any officer of said society, except the secretary, who may receive not to exceed four hundred dollars per annum, and that at least one thousand dollars (\$1,000) of said sum be expended by said board in experimenting in the growth, care and development of the horticultural interest for the years 1889 and 1890, to be expended by said society for the purpose and in the manner specified in "An act to reorganize the Illinois State Horticultural Society," approved March 24, 1874.

APPROVED May 17, 1889.

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## HOSPITALS FOR THE INSANE.

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| <p>§ 1. Appropriates \$120,000 each to the Central, Northern and Southern Hospitals for the Insane, for new buildings.</p> <p>§ 2. One new building to be erected at each of the three hospitals named, for the care of not less than 300 patients.</p> <p>§ 3. Plans and specifications.</p> <p>§ 4. Appropriation; how drawn.</p> | <p>§ 5. State to be divided into districts by the State Board of Charities, approved by the Governor.</p> <p>§ 6. Transfer of patients to adjust quotas of districts.</p> <p>§ 7. Patients committed as paupers; settlement of accounts by counties; delinquent accounts.</p> <p>§ 8. Act of 1881, districting the State, repealed.</p> |
|---|---|

*AN ACT making additional provision for the insane and appropriating moneys therefor; also providing for the assignment to the several counties of quotas in the State hospitals for the insane, and for the collection of moneys due to said hospitals from said counties; also repealing an act entitled "An act to secure equality among the counties in the matter of admission of patients into the State hospitals for the insane, and to provide for the transfer of patients from one hospital to another, and for settlement with such hospitals by the counties, and to repeal former acts upon the same subject," approved May 28, 1881, and in force July 1, 1881.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That for the purpose of making provision for the cure of nine hundred additional patients in the hospitals for the insane of this State, there be and is hereby appropriated to the Northern Hospital for the Insane, at Elgin, one hundred and twenty thousand dollars; to the Central Hospital for the Insane, at Jacksonville, one hundred and twenty thousand dollars; and to the Southern Hospital for the Insane, at Anna, one hundred and twenty thousand dollars, or so much of said sums as may be necessary, out of any moneys in the State treasury not otherwise appropriated, to be expended as hereinafter directed.

§ 2. The sums herein appropriated shall be in full for the erection, completion, furnishing, heating, lighting, and preparing for use and occupancy, at each of the hospitals named, by not less than three hundred patients, together with the necessary officers, attendants and employés for their proper care, of one or more buildings, which may, at the discretion of the trustees, be detached from the present structures and from each other, but no plans shall be adopted or executed which involve the expenditure for this purpose of a sum greater than the amount herein appropriated, and in case the present appropriation for each of said hospitals for the insane shall prove



insufficient to accomplish fully the end sought in this act, then no portion of the same shall be drawn from the treasury of the State.

§ 3. The trustees of each of said hospitals shall, immediately upon the taking effect of this act, cause plans and specifications to be prepared for the construction and completion of said additional buildings, or the superintendents of the said hospitals, under the direction of the boards of trustees, may procure plans and have general charge and supervision of the work of contracting and furnishing these additions.

§ 4. The moneys herein appropriated shall be paid only on the terms and in the manner now provided by law.

§ 5. From and after the taking effect of this act, the State Commissioners of Public Charities shall have power to divide the State into districts, for the purpose of regulating the admission of patients into the State hospitals for the insane, and to fix the quota of each county therein, so as to secure equality among the counties, and to promote their convenience in this regard. And the said commissioners shall have power to change the boundaries of said districts, from time to time, as may be necessary or expedient: *Provided*, that any regulations which they may make on this subject shall not have the force of law until after they shall have been submitted to the Governor and approved by him: *And provided further*, that the Governor shall cause to be printed, and distributed to the counties to be affected thereby, a sufficient number of copies of the schedule of districts and quotas approved by him.

§ 6. The State Commissioners of Public Charities shall cause such transfers of patients to be made between the several hospitals for the insane in this State, as shall be necessary to adjust the population of said hospitals to the districts assigned them: *Provided*, that a reasonable time shall be allowed for such readjustment: *And, provided further*, that the cost of such transfers shall be charged to the counties or individuals, as the case may be, affected thereby, and shall be collected as other debts due the State hospitals are collected by law.

§ 7. The county board or board of supervisors, as the case may be, of any county from which there are or hereafter may be patients committed as paupers to any of the State hospitals for the insane, is hereby directed and required to make settlement in full as often as once in every six months, for all just charges for clothing and other proper incidental expenses, and to pay the amount due said hospitals in money or negotiable paper worth its face without discount. In case any county shall fail or refuse to pay any just and reasonable account presented by any of the State hospitals for the insane, and the same shall remain unpaid for one year after it is due, then the trustees of said hospital shall apply to the Circuit Court in and for said delinquent county, for a writ of mandamus

upon the county treasurer of said county, requiring him to pay the said over due account, and upon proof made of the justice of such claim, the Circuit Court shall issue such writ.

§ 8. An act entitled "An act to secure equality among the counties in the matter of the admission of patients into the State hospitals for the insane, and to provide for the transfer of patients from one hospital to another, and for settlement with such hospitals by the counties, and to repeal former acts upon the same subject," approved May 28, 1881, and in force July 1, 1881, is hereby repealed.

APPROVED June 1, 1889.

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WILLIAM A. HOWETT.

§ 1. Appropriates \$143 to Wm. A. Howett as salary as State's Attorney of Montgomery County.

AN ACT to authorize the Auditor of State to pay to William A. Howett, the sum of one hundred and forty-three dollars, as compensation for his services as State's Attorney pro tem.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Auditor of State is hereby authorized to draw his warrant in favor of William A. Howett, for the sum of one hundred and forty-three dollars (\$143), out of moneys heretofore appropriated for payment of salaries, in payment for his services as State's Attorney of Montgomery county *pro tem.*, from December 20, 1888, to April 2, A. D. 1889, to fill vacancy caused by the death of William Pearman, of said county. And this amount shall be in full compensation for his services.

APPROVED May 23, 1889.

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## CUSTODIAN LINCOLN HOMESTEAD.

§ 1. Appropriates \$2,000 for salary and \$300 for repairs.

AN ACT *making an appropriation for the salary of the Custodian of the Lincoln Homestead, and for repairs on the same, for two years from July 1, 1889.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of two thousand dollars (\$2,000) is hereby appropriated for the salary of the Custodian of the Lincoln Homestead, and three hundred dollars (\$300) for repairs on the same, for the two years beginning July 1, 1889, to be paid out of any moneys in the treasury of the State, not otherwise appropriated, on warrants of the Auditor upon the Treasurer, on the direction of a majority of the Board of Lincoln Homestead Trustees; the same to be paid from time to time as it may be required, and as the said board may direct.

APPROVED May 27, 1889.

## LOGAN MONUMENT.

§ 1. Amends section 3, act of 1887, by re-appropriating the sum of \$50,000 to erect a monument to the memory of Gen. John A. Logan.

AN ACT *to amend Section three (3) of an act entitled "An act to appropriate fifty thousand dollars (\$50,000) to erect a Monument to John A. Logan, and for the appointment of Commissioners therefor," approved February 10, 1887, as amended by an act entitled "An act to amend Section one (1), to add Section four (4), and to amend the title of an act entitled 'An act to appropriate fifty thousand dollars (\$50,000) to erect a monument to John A. Logan, and for the appointment of Commissioners therefor,' approved February 10, 1887, and to add the emergency clause to said act, as Section four (4)," approved May 3, 1887.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section three (3) of an act entitled "An act to appropriate fifty thousand dollars (\$50,000) to erect a monument to John A. Logan, and for the appointment of Commissioners therefor," as amended by an act entitled "An act to amend section one (1), to add section four (4), and to amend the title of an act entitled 'An act to appro-

priate fifty thousand dollars (\$50,000) to erect a monument to John A. Logan, and for the appointment of Commissioners therefor,' approved February 10, 1887, and to add the emergency clause to said act as Section four (4)," approved May 3, 1887, be and the same hereby is amended so as to read as follows:

Section 3. For the purpose of defraying the costs of such Monument beyond such amounts as may be received by voluntary contribution, the sum of fifty thousand dollars (\$50,000) is hereby appropriated out of the State Treasury, and the Auditor of Public Accounts is hereby authorized to draw his warrant on the State Treasurer for such amount, payable out of any moneys in the Treasury not otherwise appropriated, in favor of the Treasurer of such Commissioners, upon the request in writing of a majority of such Commissioners, and any unexpended balance remaining after the completion of said Monument shall be by such Commissioners paid into the State Treasury, and said Commissioners shall make report of their action to the Governor.

APPROVED May 21, 1889.

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#### NORTHERN HOSPITAL FOR THE INSANE.

§ 1. Appropriates \$21,490 for repairs, improvements and machinery.

*AN ACT making appropriations for the Illinois Northern Hospital  
for the Insane, at Elgin.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts be, and are hereby, appropriated to the Illinois Northern Hospital for the Insane, at Elgin, for the purposes hereinafter named, and for no other:

For renewal of plumbing in north and south wings and rear buildings of hospital, etc., seven thousand dollars (\$7,000).

For renewal of laundry machinery, new appliances, shafting, etc., one thousand dollars (\$1,000).

For equipment of work shops for patients, bakery, engineer's departments and soap room, two thousand dollars (\$2,000).

For new barn and stock sheds four thousand five hundred dollars (\$4,500).

For building for feed storage with stone basement and connected to old barns by enclosed sheds, one thousand four hundred and ninety dollars (\$1,490).

For new piggery and yard enclosures, five hundred dollars (\$500.)

For fire-proofing of basement of hospital buildings, two thousand dollars (\$2,000).

For inside and outside painting, six thousand dollars (\$6,000).

The moneys herein appropriated shall be due and payable to the trustees of said Illinois Northern Hospital for the Insane, at Elgin, or their order, as is now prescribed by law, except as herein otherwise provided.

APPROVED May 27, 1889.

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#### LABORATORY OF NATURAL HISTORY AND STATE ENTOMOLOGIST.

§ 1. Appropriations \$5,250 per annum for salaries, and expenses, and \$1,000 special.	§ 2. How drawn. § 3. Duration of this act.
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*AN ACT making an appropriation for the ordinary expenses of the State Laboratory of Natural History, for the improvement of the library thereof, and for the expenses of the State Entomologist's office.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated to the State Laboratory of Natural History, for the field work and the office and incidental expenses, the sum of one thousand dollars (\$1,000) per annum.

For the improvement of the library, the sum of five hundred dollars (\$500) per annum.

For salaries and assistance the sum of three thousand dollars (\$3,000) per annum.

For the publication of bulletins, the sum of five hundred dollars (\$500) per annum.

For the illustration of the biennial report of the State Entomologist the sum of two hundred and fifty dollars (\$250) per annum.

For building an entomological laboratory and breeding room, the sum of one thousand dollars (\$1,000).

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sums hereby appropriated, upon the order of the president of the board of trustees of the University of Illinois, attested by its

secretary, and with the corporate seal of the University: *Provided*, That no part of said sums shall be due and payable to said institution until satisfactory vouchers in detail, approved by the Governor, shall be filed with the Auditor for all previous expenditures incurred by the institution on account of appropriations heretofore made: *And provided, further*, that vouchers shall be taken in duplicate, and original or duplicate vouchers shall be forwarded to the Auditor of Public Accounts for the expenditures of the sums appropriated under this act.

§ 3. This act shall be and continue in force from the first day of July, A. D., 1889, until the expiration of the first fiscal quarter after the Adjournment of the next General Assembly.

APPROVED May 21, 1889.

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MARY ISABELLA MYERS AND HARIETT A. C. TALBOTT.

§ 1. Appropriates \$640 to Mary Isabella Myers and Harriett A. C. Talbott, as the heirs at law of Walter Cowan for damages to lands.	§ 2. How drawn.
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*AN ACT to re-appropriate six hundred and forty dollars to Mary Isabella Myers and Harriet A. C. Talbott, heirs-at-law, of Walter Cowan, deceased.*

WHEREAS, In the act of the Thirty-first General Assembly, approved May 31, 1879, in force July 1, 1879, providing for "compensation to parties sustaining damages by reason of the construction of the dam over the Illinois river near Henry, in Marshall county, Illinois," there was appropriated to the "heirs-at-law of Isabella Myers, deceased, and Harriet A. C. Talbott," the sum of six hundred and forty dollars; and,

WHEREAS, The real claimants in said matter were "Mary Isabella Myers and Harriet A. C. Talbott, only heirs-at-law of Walter Cowan, deceased," but by clerical error they were described as hereinbefore above stated; and,

WHEREAS, The said sum so appropriated has not been paid, but has lapsed and been carried back into the general funds of the Treasurer; now, therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of six hundred and forty dollars be and the same is hereby appropriated and set apart out of any moneys in the State treasury not otherwise appropriated, to pay to Mary Isabella Myers

and Harriet A. C. Talbott, heirs-at-law of Walter Cowan, deceased, for damages sustained by reason of the construction of the dam over the Illinois river, near Henry, in Marshall county, Illinois.

§ 2. The foregoing appropriation, and the payment thereof, shall be subject to the same provisions of the said act of the Thirty-first General Assembly, approved May 31, 1879, in force July 1, 1879, providing for compensation to parties sustaining damage by reason of the construction of said dam.

APPROVED May 25, 1889.

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#### NATIONAL GUARD.

§ 1. Appropriates \$80,000 per annum for | § 2. How drawn.  
ordinary and contingent expenses. |

*AN ACT to Provide for the Ordinary and Contingent Expenses of the Illinois National Guard.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of eighty thousand dollars (\$80,000) per annum, or so much thereof as may be necessary, be and the same is hereby appropriated to meet the ordinary and contingent expenses of the Illinois National Guard.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sums herein specified, upon the presentation of proper vouchers, certified to by the Adjutant General and approved by the Governor, and the treasurer shall pay the same out of the proper funds.

APPROVED May 29, 1889.

## PENITENTIARY AT JOLIET—REPAIRS AND IMPROVEMENTS.

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| § 1. Enacting clause.<br>§ 2. Appropriates for repairs and improvements \$7,500 per annum. | § 3. For improvement of water system, \$4,000.<br>§ 4. How drawn. |
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*AN ACT making appropriation for repairs and improvement in the Illinois State Penitentiary at Joliet.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be and the same are hereby appropriated for the Illinois State Penitentiary at Joliet, for the purposes hereinafter named and for no other:

§ 2. For painting, relaying floors, repairing walls, roofs, buildings, steam and water pipes, engines, boilers and machinery, and making such other repairs as may be required to keep the buildings, walls, grounds and appurtenances of the said penitentiary in as good condition as they now are, the sum of seven thousand five hundred dollars (\$7,500) per annum, or so much thereof as may be necessary, from the first day of July, 1889, to the expiration of the first fiscal quarter, after the adjournment of the next General Assembly.

§ 3. For putting four new iron water supply tanks, pipes and connections, the sum of four thousand dollars (\$4,000) or so much thereof as may be necessary.

§ 4. The Auditor of Public Accounts is hereby authorized to draw his warrants upon the State Treasurer for the moneys herein appropriated, upon the order of the commissioners of the said penitentiary, signed by the president and attested by the secretary, with the seal of the said penitentiary thereto attached.

APPROVED May 21, 1889.

## PENITENTIARY AT JOLIET—EMPLOYMENT OF CONVICTS.

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| § 1. Appropriates \$100,000 for current expenses and to purchase tools, machinery and materials for the employment of convicts. | § 2. How drawn. |
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*AN ACT to provide for the expenses of the Illinois State Penitentiary at Joliet, and to keep the prisoners therein employed.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of



one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, be and the same is hereby appropriated as a fund to defray such portion of the current expenses of the Illinois State Penitentiary at Joliet, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly, as the earnings of convict labor in said penitentiary may be insufficient to defray; also to enable the commissioners of said penitentiary to keep employed all prisoners who may be left without employment by the expiration of any contracts now in force; and the commissioners of said penitentiary are hereby authorized to expend so much of the amount hereby appropriated as may be necessary for tools, machinery and raw material, sufficient to keep employed all prisoners in said penitentiary who may become idle as herein stated, and to provide for the sale of goods therein manufactured; and the said commissioners shall employ said prisoners at such occupation or occupations as are best adapted to secure their health, discipline and reformation.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the moneys hereby appropriated, upon the order of the board of commissioners of the said penitentiary, signed by the President and attested by the Secretary, with the seal of said institution thereto attached.

APPROVED May 25, 1889.

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#### PENITENTIARY, SOUTHERN—ORDINARY EXPENSES AND REPAIRS.

§ 1. Appropriates \$65,000 per annum for ordinary expenses and to keep convicts employed, and \$3,000 per annum for repairs and refurnishing; \$15,400 for contingent expenses and improvements.

*AN ACT making an appropriation for the ordinary and other expenses of the Southern Illinois Penitentiary.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts, or so much thereof as may be necessary, be and the same are hereby appropriated to the Southern Illinois Penitentiary, for the purposes hereinafter named and no other.

For ordinary expenses for the two years ending June 30, 1891, and to enable the commissioners of said penitentiary to keep employed all prisoners who may be left without employment by the expiration or forfeiture of any contracts now in force; and the commissioners of said penitentiary are hereby

authorized to expend so much of the amount hereby appropriated as may be necessary for tools, machinery, fixtures and material sufficient to keep employed all prisoners in said penitentiary, who may become idle, as herein stated, and to provide for the sale of goods therein manufactured, and said commissioners shall employ said prisoners at such occupation or occupations as are best adapted to secure their health, discipline and reformation, sixty-five thousand dollars (\$65,000) per annum.

For two steam boilers, twenty-four hundred dollars (\$2,400).

For repairs and refurnishing, three thousand dollars (\$3,000) per annum.

For contingent expenses, ten thousand dollars (\$10,000).

For furnishing new cell house, three thousand dollars (\$3,000).

§ 2. The moneys herein appropriated shall be due and payable to the commissioners of the Southern Illinois Penitentiary, or their order, only on the terms and in the manner now provided by law.

APPROVED May 29, 1889.

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#### PORTRAIT OF GOVERNOR RICHARD J. OGLESBY.

§ 1. Appropriates not to exceed \$500 for a portrait of Governor Richard J. Oglesby for the Executive Mansion.

AN ACT entitled "*An Act to appropriate money for the painting of a portrait of Richard J. Oglesby.*"

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That there be, and is hereby, appropriated out of the money in the treasury, not otherwise appropriated, a sum sufficient to have painted and framed a portrait of Governor Richard J. Oglesby, to be hung in the Executive Mansion: *Provided*, said amount shall not exceed five hundred dollars, to be paid on order of the Secretary of State and approved by the Governor.

APPROVED May 25, 1889.

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## JOHN B. RICE.

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| § 1. Appropriates \$1,170 to John B. Rice,<br>for damages to cows on account of<br>quarantine. | § 2. How drawn; liquidates damages in<br>full. |
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AN ACT *to reimburse the owner of cows that were quarantined by the State Board of Live Stock Commissioners in September, 1886, for the cost thereby incurred.*

WHEREAS, the State Board of Live Stock Commissioners, on or about the 19th day of September, A. D. 1886, quarantined certain milch cows in distillery sheds, in the city of Chicago, Cook county, in this State, as exposed to contagious pleuropneumonia; and

WHEREAS, the said board, for reasons sufficient to them, did not then appraise or slaughter said cattle, but continued them in quarantine from that time until March 22, 1887; and

WHEREAS, during said period of time, the owner was required to feed and care for said cattle at his (the owner's) expense, and to continue to do so after all control and use of said cattle was denied him by said board; and

WHEREAS, the owner was prohibited from disposing of the milk of said cows from and after the 12th day of October, A. D. 1886, whereby all proceeds or profits of the business was cut off, and expenses amounting to about twenty cents (20c) per diem for each cow, besides the time of the owner was continued, and having ascertained that the following sum is an equitable allowance, which should be paid by the State to John B. Rice, who has suffered as aforesaid; therefore

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of eleven hundred and seventy dollars (\$1,170) be, and the same is hereby appropriated to pay John B. Rice for his damages suffered as aforesaid.

§ 2. The sum herein appropriated shall be in full satisfaction for all claims for damages by said John B. Rice, in respect to said cattle, and the Auditor of Public Accounts shall issue his warrant on the State Treasurer for the amount herein appropriated to the said John B. Rice, or his legal representative, and the State Treasurer is hereby authorized to pay the same out of any money in the State Treasury not otherwise appropriated.

APPROVED May 21, 1889.

SOLDIERS' ORPHANS' HOME—BUILDING PURPOSES. ALSO TO SELL  
AND CONVEY LANDS.

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| <p>§ 1. Authorizes the trustees to sell and convey certain lands; sale to be made at public auction to the highest bidder; notice of sale.</p> | <p>§ 2. Appropriates \$66,618 for building purposes, and \$4,000 for the purchase of land.</p> |
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AN ACT *making an appropriation to the Soldiers' Orphans' Home and authorizing it to convey certain real estate.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the trustees of the Soldiers' Orphans' Home at Normal, are hereby authorized to sell and convey any or all of the real estate now belonging to the State of Illinois, and held in trust by that institution, except lots 2, 3, 4, 5, 14, 15, 16, 17, 18, 19 and 20, in the "Home Addition to Normal," and used as the premises of the said Home, and that the proceeds of any sale or sales made under the provisions of this section be paid into the treasury of the said Home, for the purpose of making any necessary improvements which the trustees may direct: *Provided*, that no sale shall be made except at public auction and on the premises to be sold, to the highest bidder, and after the same has been advertised by notice, giving the time, place and terms of sale, at least three weeks next, prior to the day of sale, by publication in a newspaper published in the county where the premises to be sold are situated.

§ 2. That there be and are hereby appropriated for the purposes hereinafter named, the following amounts namely:

For the erection and furnishing of a chapel, dining room and connecting corridors, and for the reconstruction and enlargement of the boiler house, kitchen, bakery, laundry, water closets, steam heating and plumbing, and for an addition to the school building and changes in the ventilation of the main building and for an electric light plant for the house, sixty-six thousand six hundred and eighteen dollars (\$66,618).

For the purchase of lands, four thousand dollars (\$4,000).

§ 3. The moneys herein appropriated shall be due and payable to the said trustees or their order, only on the terms and in the manner now provided by law.

APPROVED May 25, 1889.

## SOLDIERS' AND SAILORS' HOME.

§ 1. Appropriates \$21,000 for buildings and improvements.

*AN ACT making appropriations for the Illinois Soldiers' and Sailors' Home.*

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That the following amounts be and are hereby appropriated to the Soldiers' and Sailors' Home at Quincy for the purposes herein named:

For barns, stables, shops and outbuildings, five thousand dollars.

For roads, walks and improvement of grounds, two thousand dollars.

For cold storage house, two thousand dollars.

For additional cottage to accommodate sixty men, furnished and with necessary heating apparatus and equipments, twelve thousand dollars.

§ 2. The moneys herein appropriated shall be due and payable to the trustees or their order, on the terms and in the manner now provided by law.

APPROVED May 27, 1889.

## STATE GOVERNMENT, ORDINARY AND CONTINGENT EXPENSE.

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| <p>§ 1. Appropriates for the ordinary and contingent expenses of the state government \$1,374,200 per annum, and \$72,970 special, as follows:</p> <p>1-5. To the Governor per annum \$10,700.</p> <p>6-7. To the Secretary of State per annum, \$37,400; special, \$1,250.</p> <p>8. Heating department of State House, \$15,000 per annum.</p> <p>9. Lighting the State House, \$4,000 per annum, and \$4,000 special.</p> <p>10. Library, per annum, \$2,500.</p> <p>11. Paper and stationery, per annum, \$13,000.</p> | <p>12. Printing, \$30,000; binding, \$10,000 per annum.</p> <p>13. Copying laws, \$600; for distribution of laws and State documents, \$500; for expressage and postage on same, \$1,200 per annum.</p> <p>14. Supreme Court reports (\$7,000) est.</p> <p>15. To the Auditor Public Accounts, per annum, \$11,400.</p> <p>16. State suits, per annum, \$2,000.</p> <p>17. Conveying convicts to penitentiary, per annum, \$20,000.</p> <p>18. Fugitives from justice, per annum, \$15,000, and for rewards for arrest, \$3,000.</p> |
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| 19. Conveying offenders to the Reform School, per annum, \$5,000.  | 30. Museum of Natural History, per annum, \$4,200.                               |
| 20. State Board of Equalization. per annum, \$10,000.  | 31. Railroad and Warehouse Commissioners, per annum, \$10,200; special, \$3,000. |
| 21. To the State Treasurer per annum, \$9,000.   | 32. Southern Penitentiary, for library, per annum, \$350.                        |
| 22. Refunding taxes, etc., (\$1,000) est.  | 33. Joliet Penitentiary for library, per annum, \$300.                           |
| 23. To the Superintendent of Public Instruction, per annum, \$5,300; special \$500.                                | 34. Bureau of Labor Statistics, per annum, \$7,500.                              |
| 24. Interest on school fund, per annum, \$57,000.  | 35. Live Stock Commissioners, per annum, \$60,000.                               |
| 25. State school fund, per annum, \$1,000,000.   | 36. Fish Commissioners, per annum, \$9,500; special, \$500.                      |
| 26. To the Attorney-General, per annum, \$6,600.   | 37. State Board of Health, per annum, \$9,000; special contingent, \$10,000.     |
| 27. To the Adjutant-General, per annum, \$6,800.   | 38. Lieutenant Governor, for postage, per annum, \$50.                           |
| 28. Board of Public Charities, per annum, \$7,500,   | 39. Committees 37th General Assembly, \$1,000.                                   |
| 29. Appellate and Supreme Courts, per annum, \$20,150; special, \$8,620.—Commission of Claims, per annum, \$5,550. | § 2. How drawn.  |

*AN ACT to provide for the ordinary and contingent expenses of the State Government until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following named sums, or so much thereof as may be necessary respectively for the purposes hereinafter named, be and are hereby appropriated to meet the ordinary and contingent expenses of the State Government until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly:

First—A sum not exceeding two thousand dollars (\$2,000), per annum, shall be subject to the order of the Governor for defraying of such public expenses of the State Government as are unforeseen by the General Assembly, and not otherwise provided for by law; payment to be made from time to time upon bills of particulars, certified to by the Governor.

Second—The sum of four thousand dollars (\$4,000), per annum, for private secretary to the Governor, for the performance of such official duties of the Governor as may be required of him, and for clerk hire in the executive office, payable monthly, as hereinafter provided.

Third—A sum not to exceed one thousand dollars (\$1,000), per annum, for postage, expressage, telegraphing, furniture furnishing and other incidental expenses connected with the Governor's office, to be paid on bills of particulars, certified to by the Governor.

Fourth—To the Governor, for one porter, the sum of seven hundred dollars (\$700), per annum, payable monthly.

Fifth—To the Governor, for repairs and care of executive mansion and grounds, and for heating and lighting the executive mansion, three thousand dollars (\$3,000) per annum, to be paid on bills of particulars, certified to by the Governor.

Sixth—To the Secretary of State, for clerk hire in his office, the sum of ten thousand five hundred dollars (\$10,500) per annum; for two porters or messengers, the sum of seven hundred dollars (\$700) each per annum; for stenographer and typewriter, the sum of one thousand dollars (\$1,000) per annum; and for laborers, janitors, policemen and watchmen of the State House, who shall perform such duties as shall be assigned to them by the Secretary of State, the sum of six thousand dollars (\$6,000) per annum; all payable upon monthly pay rolls, duly certified to by the Secretary of State. To the Secretary of State, for repairs, postage, expressage, telegraphing and other incidental expenses of his office, a sum not exceeding three thousand dollars (\$3,000) per annum; and for the payment of all necessary incidental expenses incurred by the Secretary of State, in the care and custody of the State House and grounds, and other State property, and in repairs and improvements of the same, and for the performance of such other duties as may be imposed upon him by law, and for which no other appropriation has been made, the sum of twelve thousand five hundred dollars (\$12,500) per annum; all payable upon the bills of particulars certified to by the Secretary of State, and approved by the Governor. For comparing copy for the public printer, of the laws and joint resolutions, editing the same, preparing head notes thereto and for indexing the volume of laws, and making a table of contents when printed; for comparing the copy for the printer for the printed volumes of the journals of the Senate and House, making indexes thereto when printed, and for superintending the printing thereof; for preparing a table of contents to the volumes of reports, and for making and keeping proper indexes to the executive records, and all public files and documents in the office of the Secretary of State, as required by law, the sum of three thousand dollars (\$3,000) per annum, payable to the Secretary of State on his order.

Seventh—To the Secretary of State, for the purpose of finishing the fitting up of the vaults in his office with fire proof iron boxes and book racks, the sum of twelve hundred and fifty dollars (\$1,250), or so much thereof as may be necessary, to be paid upon bills of particulars certified to by the Secretary of State and approved by the Governor.

Eighth—For heating, fuel and pay of engineers and firemen of the State House, and other incidental expenses thereof, the sum of fifteen thousand dollars (\$15,000) per annum, or so much thereof as may be needed, to be paid upon bills of particulars certified to by the Secretary of State, and approved by the Governor.

Ninth—For lighting the State House and other incidental expenses thereof, the sum of four thousand dollars (\$4,000) per annum; or so much thereof as may be necessary, and the sum of four thousand dollars (\$4,000), or so much thereof as may be necessary, for the purchase of dynamos and other machinery and appliances for lighting the State House by electric light, to be paid on bills of particulars, certified to by the Secretary of State and approved by the Governor.

Tenth—To the Secretary of State, for the purchase of books and for the incidental expenses of the State Library, the sum of fifteen hundred dollars (\$1,500) per annum, payable on bills of particulars, certified to by the Board of Commissioners of the State Library. For salary of assistant librarian, the sum of one thousand dollars (\$1,000) per annum, payable monthly.

Eleventh—For the purchase on contract as required by law, and other necessary expenses connected therewith, of printing paper and stationery, for the use of the General Assembly and the executive department, the sum of thirteen thousand dollars (\$13 000) per annum, payable on bills of particulars certified to by the Board of Commissioners of State Contracts, and approved by the Governor.

Twelfth—For public printing the sum of thirty thousand dollars (\$30,000) or so much thereof as may be required. For public binding, ten thousand dollars (\$10,000) per annum, or so much thereof as may be required. The public printing and binding to be paid for according to contract, upon the certificate of the Board of Commissioners of State Contracts, and approved by the Governor.

Thirteenth—For copying the laws, journals and joint resolutions of the General Assembly, as provided by law, six hundred dollars (\$600). For distribution of laws, journals and other State documents, and incidental expenses connected therewith, the sum of five hundred dollars (\$500), and for expressage and postage on same, twelve hundred dollars (\$1,200), per annum, payable as provided by law.

Fourteenth—Such sum as may be necessary to enable the Secretary of State to purchase such volumes of the reports of the decisions of the Supreme Court as he is or may be required by law to purchase, to be paid on bills of particulars, certified to by the Secretary of State and approved by the Governor.

Fifteenth—To the Auditor of Public Accounts, for necessary clerk hire, the sum of seven thousand five hundred dollars (\$7,500) per annum, for stenographer and typewriter, the sum of one thousand dollars (\$1,000) per annum, and for two porters or messengers, the sum of seven hundred dollars (\$700) each per annum, all payable upon monthly pay rolls duly certified to by the Auditor of Public Accounts. To the Auditor of



Public Accounts, for repairs, postage, express charges, telegraphing and other incidental expenses incurred in the discharge of his duties, a sum not exceeding one thousand five hundred dollars (\$1,500) per annum, payable upon bills of particulars, certified to by the Auditor and approved by the Governor: *Provided*, no part of the amount hereby appropriated shall be used to pay the expenses of the insurance department of said office of Auditor of Public Accounts, and he shall report the annual expenses of said insurance department to each General Assembly hereafter.

Sixteenth—A sum not exceeding two thousand dollars (\$2,000) per annum, for costs and expenses of State suits, to be paid upon bills of particulars, certified to by the Auditor and approved by the Governor.

Seventeenth—A sum not exceeding twenty thousand dollars (\$20,000) per annum, or so much thereof as may be necessary for conveying convicts to the penitentiary, and from and to the penitentiary, in cases of new trial, or when used as witnesses in criminal trials, to be paid on the warden's certificate, at the compensation fixed by the general laws, the Auditor to compute the distance by the nearest railroad route.

Eighteenth—For the payment of the expenses provided for by law for the apprehension and delivery of fugitives from justice, fifteen thousand dollars (\$15,000) per annum, or so much thereof, as may be necessary, to be paid on the evidence required by law, certified and approved by the Governor; and the sum of three thousand dollars (\$3,000) for rewards for arrest of fugitives from justice, to be paid upon bills of particulars, having the order of the Governor endorsed thereon.

Nineteenth—The sum of five thousand dollars (\$5,000) per annum, or so much thereof as may be needed, for conveying juvenile offenders to the Reform School, at Pontiac, payable on the superintendent's certificate of delivery, at the rate of compensation allowed by law; the Auditor to compute the distance by the nearest railroad route.

Twentieth—To the State Board of Equalization, for paying expenses a sum not to exceed ten thousand dollars (\$10,000) per annum, payable in the manner provided by law.

Twenty-first—To the State Treasurer, for clerk hire, the sum of four thousand dollars (\$4,000) per annum; and the sum of three thousand two hundred dollars (\$3,200) per annum, for two night and two day watchmen; and the sum of eight hundred dollars (\$800) per annum for messenger and clerk; all payable upon monthly pay rolls, duly certified to by the Treasurer. To the State Treasurer, for repairs, express charges, postage, telegraphing and other necessary incidental expenses connected with his office, a sum not to exceed one thousand dollars (\$1,000) per annum, payable upon bills of particulars, certified to by him and approved by the Governor.

Twenty-second—Such sums as may be necessary to refund the taxes on real estate sold or paid in error, and for over-payment of collector's accounts under laws governing such cases, to be paid out of the proper funds.

Twenty-third—To the Superintendent of Public Instruction, the sum of three thousand one hundred dollars (\$3,100) per annum, for clerk hire; and for a janitor, porter and messenger services, and also additional clerical services the sum of seven hundred dollars (\$700) per annum; all payable upon monthly pay rolls, duly certified to by the Superintendent of Public Instruction. To the Superintendent of Public Instruction, for postage and State examinations and other necessary expenses of said office, a sum not exceeding fifteen hundred dollars (\$1,500) per annum; and for refurnishing office, and for increase of professional library, five hundred dollars (\$500), payable on bills of particulars, certified to by him and approved by the Governor. Appropriations made by this clause to be paid out of the State school fund.

Twenty-fourth—The sum of fifty-seven thousand dollars (\$57,000) per annum, or so much thereof as may be necessary, to pay the interest on school fund, distributed annually in pursuance of law, the said amount to be payable from the State school fund.

Twenty-fifth—The sum of one million dollars (\$1,000,000) annually, out of the State school fund, to pay the amount of the Auditor's orders for the distribution of said fund to the several counties, and for the payment of the salaries and expenses of county superintendents of schools, as now provided by law. The Auditor shall issue his warrants to the State Treasurer, on the proper evidence that the amount distributed has been paid to the county school superintendents.

Twenty-sixth—To the Attorney-General, for clerk hire, the sum of two thousand five hundred dollars (\$2,500) per annum; and stenographer, who shall also act as clerk, fourteen hundred dollars (\$1,400) per annum; and for a porter and messenger, who shall also act as porter and messenger for the Supreme Court Reporter the sum of seven hundred dollars (\$700) per annum, payable upon monthly pay rolls duly certified to by the Attorney-General. To the Attorney-General, for telegraphing, postage and other necessary expenses incurred in the discharge of his duties, including furniture for and repairs to office a sum not to exceed two thousand dollars (\$2,000) per annum, payable on bills of particulars certified to by him and approved by the Governor.

Twenty-seventh—To the Adjutant-General, for clerk hire in his office, the sum of three thousand dollars (\$3,000) per annum: *Provided*, that in the employment of clerks and assistants in the Adjutant-General's office preference shall be given to Union soldiers, their widows and orphans; also the sum of

eight hundred dollars (\$800) per annum for postage, telegraphing, repairs and other necessary incidental expenses connected with the Memorial Hall and his office; for an assistant, and an ordnance sergeant employed in the issue, receipt and care of public property at the State Arsenal and camp ground, and the custodian of flags and trophies in Memorial Hall, and for type-writer, janitor and messenger service, the sum of three thousand dollars (\$3,000) per annum, all payable upon monthly pay-rolls duly certified to by the Adjutant-General and approved by the Governor.

Twenty-eighth—To the Board of Public Charities, for salary of secretary, a sum not to exceed three thousand dollars (\$3,000) per annum; and for clerk hire and necessary incidental expenses of the board, a sum not to exceed four thousand five hundred dollars (\$4,500) per annum, payable on bills of particulars certified to by them and approved by the Governor.

Twenty-ninth—There is hereby appropriated to defray the incidental and contingent expenses of the Supreme Court, to-wit: For stationery, repairs, furniture, expressage, printing and law books, to be purchased under the direction of Justices of the Supreme Court, and other expenses deemed necessary by the court, the following sums: To the Northern Grand Division, the sum of seventeen hundred and fifty dollars (\$1,750) per annum, and also to the same division, fifteen hundred dollars (\$1,500) for law books, carpets, furniture and refurnishing of the different rooms, and also the sum of eight hundred and seventy dollars (\$870) for new roof; to the Central Grand Division, the sum of seventeen hundred and fifty dollars (\$1,750) per annum; to the Southern Grand Division, seventeen hundred and fifty dollars (\$1,750) per annum; and in addition there is also appropriated to the Southern Grand Division the sum of two thousand two hundred and fifty dollars (\$2,250) to repair the damages to the Supreme Court house caused by the cyclone of the 19th of February, 1888; all payable upon bills of particulars certified to by at least two of the justices of said court. There is also appropriated for the pay of the librarians of the several grand divisions of said court, who shall also act as librarians for the Appellate Courts when in session in their respective grand divisions, the following sums: To the Northern and Southern Grand Divisions, each, the sum of five hundred dollars (\$500) per annum; and to the Central Grand Division, the sum of one thousand dollars (\$1,000) per annum, payable upon the certificate of at least two of the justices of said court. There is also appropriated the sum of four hundred dollars (\$400) per annum, each, to the Northern, Southern and Central Grand Divisions of said court, for the pay of janitors, to perform such duties as shall be determined by said justices, and to be paid upon the order of at least two of the justices of said court. There is also hereby appropriated, to defray the incidental and contingent expenses of the Appellate Courts of this

State, to-wit: To the first district, for rent of court rooms, including fuel and light, the sum of five thousand dollars (\$5,000) per annum, and to the first district, for stationery, postage, expressage, repairs, furniture and other expenses deemed necessary by said court, the sum of two thousand dollars (\$2,000) per annum; to the second district, to the third district, and to the fourth district, each, the sum of one thousand dollars (\$1,000) per annum, for stationery, fuel, lights, postage, expressage, repairs, furniture and other expenses deemed necessary by the respective courts; these sums to be paid upon bills of particulars, certified to by the clerks of the respective courts, and upon the order of at least two of the judges of the respective courts for which the expense was incurred. Also the sum of four hundred dollars (\$400) per annum to each of the second, third and fourth districts, for the pay of janitors, to perform such duties as shall be determined by the judges of the respective courts, to be paid upon the order of at least two of the judges of said courts for their districts; also the sum of four thousand dollars (\$4,000), to be expended in purchasing law books for the library of the Appellate Court of the first district, said books to be purchased under the direction of the judges of said court, and the sum of five hundred dollars (\$500) per annum, for the salary of the librarian of said court, to be paid upon the order of at least two of the judges of said court. There is also appropriated to the commission of claims, for the payment of salaries of commissioners, as provided by law, the sum of four thousand and fifty dollars (\$4,050) per annum; and for the salaries of bailiff, assistant clerk, and messenger, who shall be appointed by the auditor, and for necessary record books, files, stationery, postage, expressage, and other incidentals, the sum of fifteen hundred dollars (\$1,500) per annum; all accounts to be certified by the Auditor of Public Accounts, except the salaries of commissioners to be certified as now provided by law, by the president of the commission.

Thirtieth—For the salary of a curator of the Illinois State Museum of Natural History, the sum of two thousand dollars (\$2,000) per annum; for the salary of one assistant, the sum of one thousand dollars (\$1,000) per annum, for the salary of one janitor nine hundred dollars (\$900) per annum, payable monthly. For the contingent and necessary expenses of the curator, including traveling expenses on business connected with his office, the sum of three hundred dollars (\$300) per annum; payable on bills of particulars, duly certified to and approved by the Governor.

Thirty-first—To the Railroad and Warehouse Commissioners, for the incidental expenses of their office, including care, stationery, postage and telegraphing, extra clerk hire, and for the secretary's salary, and for all necessary expenditures, except those hereinafter provided for, a sum not to exceed four thousand dollars (\$4,000) per annum. For any expenses incurred in suits or investigations commenced by authority of the State under any law now in force or hereafter to be enacted, empowering or in-

structing the Board of Commissioners, including the fees of experts employed, and clerical help the sum of five thousand dollars (\$5,000) per annum, or such part thereof as may be needed for such purposes. For the printing and publication of schedules of reasonable maximum rates of charges for the transportation of passengers and freights and cars, made or revised for any or all of the railroads of the State, as provided by law, the sum of three thousand dollars (\$3,000), or so much thereof as may be needed for such purpose. For the printing and publication of railroad maps of Illinois to be bound with annual reports, and for distribution of the same, the sum of twelve hundred dollars (\$1,200) per annum, to be paid upon bills of particulars, certified to by the commissioners and approved by the Governor.

Thirty-second—The sum of three hundred and fifty dollars (\$350) per annum for the purchase of books for the library of the Southern Illinois Penitentiary at Chester, to be paid upon bills of particulars having the order of the Governor endorsed thereon.

Thirty-third—The sum of three hundred dollars (\$300) per annum for the purchase and binding of books for the library of the Illinois State Penitentiary at Joliet, to be paid upon bills of particulars having the order of the Governor endorsed thereon.

Thirty-fourth—To the Commissioners of Labor Statistics for the purpose of procuring, tabulating and publishing industrial statistics as contemplated by law; for clerical services, the employment of canvassers and the incidental and office expenses of the board; for defraying the expenses of the mine inspection service, and for the per diem and traveling expenses of the commissioners, the sum of five thousand dollars (\$5,000) per annum, or so much thereof as may be necessary; also the sum of twenty-five hundred dollars, (\$2,500), per annum for the salary of the secretary of the board.

Thirty-fifth—For paying damages for animals diseased or exposed to contagion, slaughtered, and for property necessarily destroyed, and for expenses of disinfection of premises, when such disinfection is practicable under the provisions of any law of this State for the suppression and prevention of the spread of contagious and infectious diseases among domestic animals the sum of fifty thousand dollars (\$50,000) per annum, or so much thereof as may be necessary; also any sums of money that may be received by the Board of Live Stock Commissioners as the net proceeds of the sales of the healthy carcasses of animals slaughtered under the provisions of law, and paid by them into the State treasury, to be paid only in the manner and on the conditions provided in said law: *Provided*, that the amount paid for animals slaughtered shall not exceed their actual cash value, and in no case shall the sum paid for any one animal exceed fifty dollars (\$50) for cattle, and one hundred dollars (\$100) for animals of the equine species. Also to the Board of Live Stock Commissioners the sum of ten thousand dollars (\$10,000) per annum, or so much thereof as may be necessary, for the payment of the

necessary expenses incurred in the discharge of their duties as prescribed by law, including the per diem and traveling expenses of the members of the Board, the State Veterinarian, and Assistant State Veterinarians, and salary of secretary.

Thirty-sixth—The sum of seven thousand five hundred dollars (\$7,500) per annum, or so much of it as may be necessary, to the Fish Commissioners of the State, to be used by them in pursuance of law. The sum of two thousand dollars (\$2,000) per annum, or as much thereof as may be necessary, for the personal and traveling expenses of the Fish Commissioners, for service and expense of such persons as may be employed by them, in enforcing the laws relative to fishways over dams and for the protection of fish. The sum of five hundred dollars (\$500), or so much of it as may be necessary, to furnish and equip office and storage boat; all expenditures to be upon bills of particulars, certified to by a majority of the Commissioners and approved by the Governor.

Thirty-seventh—To the State Board of Health, for salary of secretary, three thousand dollars (\$3,000) per annum; for necessary office expenses, including expenses incurred in attending meetings of the board, and in making sanitary inspections, two thousand dollars (\$2,000) per annum, seven hundred and twenty dollars (\$720) of which per annum shall be applied as the salary of a messenger and janitor of the board; for salary of assistant secretary and additional clerk hire four thousand dollars (\$4,000) per annum. Also the sum of ten thousand dollars (\$10,000) as a contingent fund, to be used only with the consent and concurrence of the Governor, upon the recommendation and advice of the board, in case of the outbreak or threatened outbreak of any epidemic or malignant disease such as Asiatic cholera, small-pox, yellow fever, or to defray the expense of preventing the introduction of such diseases, or their spread from place to place within the State, and in suppressing outbreaks which may occur, and in investigating their causes and methods of prevention, also special investigations, when required by the sanitary necessities of the State; and any necessary expenditures from this sum shall be paid on the order of the president of the board, attested by the Secretary, and approved by the Governor.

Thirty-eighth—To the Lieutenant Governor, for postage, telegraphing, stationery and other incidental expenses, the sum of fifty dollars (\$50) per annum, payable upon his order.

Thirty-ninth—The sum of one thousand dollars (\$1,000) or so much as may be necessary, to pay the expenses of committees of the Thirty-seventh General Assembly; such expenses to be certified as may be provided by resolution of either House.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer for the sums herein specified, upon the presentation of proper vouchers; and

all sums herein appropriated for the pay of clerks, secretaries, porters, messengers, janitors, watchmen, policemen, laborers, engineers, firemen, stenographers, curators and librarians shall, when not otherwise provided by law, be paid upon monthly pay rolls, duly certified to respectively by the heads of departments, bureaus or boards of commissioners requiring the services of such employès; and the State Treasurer shall pay the same out of the proper funds in the treasury, not otherwise appropriated. Said warrants shall be drawn in favor of and payable to the order of the person entitled thereto.

APPROVED May 25, 1889.

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#### STATE DEBT.

§ 1. Appropriates \$3,708 for the payment of four State bonds known as New Internal Improvement bonds.

§ 2. How drawn.

AN ACT to make an appropriation to pay the amount due upon four certain bonds, numbered 2547, 2548, 2549 and 2550 of a class known as "New Internal Improvement Stock Interest Bonds, payable after 1877."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of three thousand seven hundred and eight dollars (\$3,708) be, and the same is hereby appropriated, out of any funds in the State Treasury not otherwise appropriated, for the purpose of paying State bonds, number 2547 for one thousand dollars (\$1,000); number 2548 for one thousand dollars (\$1,000); number 2549 for one thousand dollars (\$1,000), and number 2550 for six hundred dollars (\$600), and of the class of State bonds known as "New Internal Improvement Stock Interest Bonds, payable after 1877," and interest on the same from July 1, 1877, to January 1, 1878.

§ 2. That the Auditor of Public Accounts be, and hereby is authorized and directed to draw his warrant upon the State Treasurer for said sum of three thousand seven hundred and eight dollars (\$3,708), payable to the legal holders of said bonds upon presentation of the same for payment and cancellation.

APPROVED May 25, 1889.

## STATE GOVERNMENT—PUBLIC PRINTING.

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|---|----------------------------|
| § 1. Appropriates \$10,000 for the public printing. | § 2. How drawn.            |
|   | § 3. Emergency—deficiency. |

AN ACT *to provide for the necessary expenses of the State government, incurred or to be incurred, for the public printing, and now unprovided for, until the first day of July, 1889.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sum, or so much thereof as may be necessary, be and the same is hereby appropriated for the purpose hereinafter specified, to meet the necessary expenses of the State government, incurred or to be incurred, and now unprovided for, until the first day of July, 1889, to-wit: The sum of ten thousand dollars (\$10,000) for public printing to be paid upon the certificate of the Board of Commissioners of State Contracts, and approved by the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant on the treasury for the sum herein appropriated, upon presentation of proper vouchers, and the State Treasurer shall pay the same out of any funds in the treasury not otherwise appropriated.

§ 3. Whereas, the above appropriation is necessary for the transaction of the business of the State, therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED April 13, 1889.

## STATE HOUSE AND GROUNDS, IMPROVEMENT.

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|--|-----------------|
| § 1. Appropriates \$15,154.80 for repairs and improvements upon the State House and grounds. | § 2. How drawn. |
|  | § 3. Emergency. |

AN ACT *making an appropriation for repairs and improvements upon the State House and grounds.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for making necessary repairs and improvements upon the State House and grounds. The sums hereby appropriated, to be expended by the Secretary of State, as follows:



For eight iron columns to support library floor, twelve hundred dollars (\$1,200).

For 150 yards of carpet for library, one hundred and fifty dollars (\$150).

For putting gutters inside of coping on three sides of State House grounds, one thousand three hundred and forty-two dollars and twenty cents, (\$1,342.20).

For terrace on south side of grounds, one hundred dollars (\$100).

For stone walk from east front to Second street, six thousand six hundred dollars (\$6,600).

For stone walk from west front to Spring street, three hundred and eighty-seven dollars and sixty cents (\$387.60.)

For 200 trees, four hundred dollars (\$400.)

For hydrants and 1,500 feet of pipe, six hundred dollars (\$600).

For hauling dirt, manure, etc., and grading grounds, three hundred and seventy-five dollars (\$375.)

Four thousand dollars (\$4,000), or so much thereof as is necessary, for painting and repairing outside wood work of the State House.

Said Secretary of State shall not be bound absolutely by the estimates furnished, and when the appropriation exceeds the estimate in any item, the excess may be used in supplying any deficiencies that may occur in the estimates in other items; but the total cost of the repairs herein authorized shall not be greater in the aggregate, than the appropriation hereby made, nor shall any expense or liability be incurred by said Secretary of State beyond said sum.

§ 2. The said Secretary of State is hereby authorized to draw the money hereby appropriated, from time to time, as may be necessary, by presenting to the Auditor a requisition signed by said Secretary of State, and approved by the Governor; and the Auditor is hereby authorized and directed to draw his warrant upon the Treasurer for the amount named in the requisition.

§ 3. Whereas, by reason of the necessity for a portion of the repairs hereby authorized being made without delay, in order further damage may not result, an emergency exists, and this act shall be in force from and after its passage.

APPROVED June 1, 1889.

## SOUTHERN HOSPITAL FOR THE INSANE.

§ 1. Appropriates \$22,950 for building and improvements. | § 2. How drawn.

AN ACT *making appropriations for the Illinois Southern Hospital for the Insane, at Anna.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts be, and are hereby, appropriated to the Southern Illinois Hospital for the Insane, at Anna, for the purposes herein named, and no other:

For new laundry and machinery, ten thousand dollars (\$10,000).

For engine pump and pump house, \$650.

For thermostats, electrical clock and appurtenances, \$1,500.

For vegetable cellar, \$800.

§ 2. The moneys herein appropriated shall be due and payable to the trustees, or their order, only on the terms and in the manner now provided by law.

APPROVED May 29, 1889.

## SUPERINTENDENT OF PUBLIC INSTRUCTION.

§ 1. Appropriates \$328.75 for expenses incurred in revising the school law. | § 2. How drawn.

AN ACT *for the payment to the State Superintendent of Public Instruction for expenses incurred in the revision of the school law.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of three hundred twenty-eight dollars seventy-five cents (\$328.75) be, and hereby is, appropriated for the payment of expenses incurred in the revision of the school law, which revision was made in accordance with a resolution of the Thirty-fifth General Assembly; said appropriation to be paid out of the school funds to the Superintendent of Public Instruction, on bill of particulars certified to by him and approved by the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer for the said sum in favor of the officer aforesaid.

APPROVED April 29, 1889.

## MARY J. TEEFEY.

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|---|-----------------|
| § 1. Appropriates \$400 to Mary J. Teehey,<br>widow, the salary of her deceased<br>husband as member of the 36th<br>General Assembly. | § 2. How drawn. |
|---|-----------------|

AN ACT to make an appropriation for the relief of Mrs. Mary J. Teehey, whose husband, Honorable John J. Teehey, was a member of the Thirty-sixth General Assembly of the State of Illinois, and died while in the discharge of his duties as a member thereof.

WHEREAS, at the last general election the Honorable John J. Teehey, of Brown county, was elected a member of the House of Representatives of the Thirty-sixth General Assembly of the State of Illinois, and

WHEREAS, the said John J. Teehey afterwards, on the 19th day of February, 1889, during the session of the General Assembly, and while in the discharge of his duty as a member thereof, departed this life, leaving his widow, Mary J. Teehey and four minor children with small means of support, and

WHEREAS; no election has been called to fill the vacancy occasioned, and the people of the Thirty-sixth Senatorial district desire that the salary to which the said John J. Teehey would have been entitled had he lived, be paid to the said Mary J. Teehey; therefore

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of four hundred dollars be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the relief of said Mrs. Mary J. Teehey.

§ 2. The Auditor of Public Accounts is hereby directed to draw his warrant on the State Treasurer for the sum of four hundred dollars, payable to the order of said Mrs. Mary J. Teehey, and the State Treasurer is hereby authorized to pay the same out of any money in the State Treasury not otherwise appropriated.

APPROVED May 21, 1889.

## UNIVERSITY OF ILLINOIS.

§ 1. Appropriates \$28,700 per annum to the University of Illinois, for taxes, ordinary expenses, etc., and \$11,250 special.

§ 2. How drawn.

*AN ACT making appropriations for the University of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and hereby is appropriated to the University of Illinois, at Urbana, for the payment of taxes accruing in the years 1888 and 1889, on lands owned and held by the State for the use of the said institution, in the county of Gage in the State of Nebraska, and in the counties of Pope, Kandiyohi and Renville, in the State of Minnesota, the sum of one thousand seven hundred dollars (\$1,700) per annum.

For current repairs and improvements in buildings and grounds of the said university, during the years 1889 and 1890, the sum of two thousand five hundred dollars, (\$2,500) per annum.

For the purchase of apparatus and materials for the several scientific departments of the university for the years 1889 and 1890, one thousand five hundred dollars (\$1,500) per annum.

For current expenses of the practical education of students in the mechanical shops of the said university for the years 1889 and 1890, one thousand five hundred dollars (\$1,500) per annum.

For the university library and museum for the years 1889 and 1890, to-wit:

For the purchase of books and publications, and for binding the same, one thousand dollars (\$1,000) per annum; for collecting, preparing and mounting specimens for the cabinets of geology, mineralogy, and natural history, five hundred dollars (\$500) per annum.

For the current expenses of instruction in the several departments of the university for the years 1889 and 1890, twenty thousand dollars (\$20,000) per annum.

For the purchase and setting of a new boiler for the machine shops, one thousand two hundred and fifty dollars (\$1,250).

For the construction of a drill house in accordance with the plans and specifications herewith; and for furnishing the upper room of the mechanical building with additional work benches, tools and machinery, the sum of ten thousand dollars (\$10,000).

§ 2. The Auditor of Public accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sums of money hereby appropriated, payable out of any money in the

Treasury and not otherwise appropriated, upon the order of the president of the board of trustees of the said University of Illinois, attested by its secretary, and with the corporate seal of the university: *Provided*, that no part of the said sums shall be due and payable to the said institution until satisfactory vouchers in detail, approved by the Governor, shall be filed with the Auditor for all previous expenditures incurred by the institution on account of appropriations heretofore made: *And, provided further*, that vouchers shall be taken in duplicate, and original or duplicate vouchers shall be forwarded to the Auditor of Public Accounts for the expenditures of the sums appropriated under this act.

APPROVED May 21, 1889.

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UNIVERSITY—SOUTHERN NORMAL.

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|---|------------------------|
| <p>§ 1. Appropriates one-half of the interest on the College and Seminary fund, and \$19,710 per annum to the Southern Normal University for ordinary expenses.</p> | <p>§ 2. How drawn.</p> |
|---|------------------------|

AN ACT *making an appropriation for the ordinary expenses of the Southern Illinois Normal University, at Carbondale, in Jackson county.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby appropriated to the Southern Illinois Normal University, at Carbondale, in Jackson county, in addition to one-half of the interest on the college and seminary fund, which is hereby appropriated, the further sum of fourteen thousand five hundred and six dollars and forty-four cents (\$14,506.44) per annum, for the payment of salaries of teachers; the sum of one thousand five hundred dollars (\$1,500) per annum, for fuel; the sum of one thousand dollars (\$1,000) per annum, for repairs; the sum of five hundred dollars (\$500) per annum, for library; the sum of five hundred dollars (\$500) per annum, for apparatus; the sum of two hundred and fifty dollars (\$250) per annum, for museum; the sum of five hundred dollars (\$500) per annum for the expenses of the trustees; and the sum of nine hundred and sixty dollars (\$960) per annum for the payment of an engineer and janitor; and these several sums shall be due and payable quarterly, in advance, from the first day of July, 1889, to the expiration of the first quarter after the adjournment of the next General Assembly.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrants upon the State Treasurer for said sums, upon the order of the trustees of the said Southern Illinois Normal University, signed by their president and attested by their secretary, with the corporate seal attached: *Provided*, That satisfactory vouchers in detail, approved by the Governor, shall be filed quarterly with the Auditor of Public Accounts for all expenses, ordinary and extraordinary, of the preceding quarter, and no part of the money hereby appropriated shall be due and payable until such vouchers have been filed.

APPROVED May 25, 1889.

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STATE NORMAL UNIVERSITY—ORDINARY EXPENSES.

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|---|-----------------|
| § 1. Appropriates one-half of the interest<br>on the college and seminary fund,<br>and \$21,000 per annum to the State<br>Normal University for ordinary<br>expenses. | § 2. How drawn. |
|---|-----------------|

*AN ACT to make an appropriation for the ordinary and other expenses of the Illinois State Normal University, at Normal.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and hereby is, appropriated to the State Normal University, in addition to one-half of the interest of the college and seminary funds, which is hereby appropriated, the further sum of twenty-one thousand dollars per annum, payable quarterly in advance, for the payment of salaries, for the purchase of fuel, for additions to the library, for school apparatus, for furniture, for expenses of the Board of Education, and for incidental expenses: *Provided*, that the expenses of model school connected with and forming a part of the said State Normal University, shall be paid out of the receipts for tuition of pupils in said school, and not from the above appropriation or any part thereof.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer for the aforesaid sums of money, upon the order of the Board of Education of the State of Illinois, signed by the president and attested by the secretary of said board, with corporate seal of said institution: *Provided*, that satisfactory vouchers in detail, approved by the Governor, shall be filed quarterly with the Auditor of

Public Accounts for the expenditures, ordinary and extraordinary, of the preceding quarter, and that no part of the money herein appropriated shall be due and payable until such vouchers shall have been filed.

APPROVED May 23, 1889.

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STATE NORMAL UNIVERSITY—REPAIRS AND IMPROVEMENTS.

§ 1. Appropriates \$4,000 for new boiler house, and boilers for heating apparatus.

§ 2. How drawn.

AN ACT *making appropriations for the Illinois Normal University, at Normal.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts be and are hereby appropriated to the Illinois Normal University, at Normal, for the purposes hereinafter named, and for no other:

For erecting a boiler house, moving the boilers from the present University building into it, for heating apparatus in the new school building, and for buying new boilers, if found necessary, the sum of four thousand dollars (\$4,000).

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer for the aforesaid sums of money upon the order of the Board of Education of the State of Illinois, signed by the president and attested by the secretary of said board, with the corporate seal of said institution.

APPROVED May 27, 1889.

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## BANKS AND BANKING.

## DIRECTORS.

§ 1. Directors must own at least ten shares of stock.

AN ACT *in relation to the election and qualification of directors in banks organized under the laws of the State of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no person shall hereafter be elected by the stockholders of any bank organized under the laws of the State of Illinois, a director of such bank, unless such person so elected own in his own name, clear of any lien or incumbrance, at least ten shares of stock in such bank, of one hundred dollars each.

APPROVED May 22, 1889.

## STATE BANKING SYSTEM.

§ 1. Amends sec. 1, act of 1887; submits this act to vote of the people for ratification.

Amends sec. 6, by defining the liability of stockholders as required by the Constitution.

Amends sec. 11, by classifying cities,

towns and villages according to population and fixing the capital stock in each class.

§ 2. Requires the Secretary of State to submit this act to vote.

AN ACT *to amend sections one (1), six (6), and eleven (11), of an act entitled "An act concerning corporations with banking powers," approved June 16, 1887.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections one (1), six (6), and eleven (11), of an act entitled "An act concerning corporations with banking powers," approved June 16, 1887, be amended so as to read as follows :

Section 1. That on a ratification of this act by a vote of the people in accordance with the constitution of this State, it shall be lawful to form banks and banking associations, as hereinafter provided, for the purpose of discount and deposit, buying and selling exchange, and doing a general banking business, excepting the issuing of bills to circulate as money;



and such banks or banking associations shall have the power to loan money on personal and real estate security, and to accept and execute trusts.

Section 6. Every stockholder in any bank or banking association, organized under the provisions of this act, shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held, for all its liabilities accruing while he or she remains such stockholder. It is hereby made the duty of the president and cashier, within thirty days after organization, to file in the office of the recorder of deeds of the county in which such bank is located, a certified list of all the original stockholders, giving the number of shares of stock held by each, and thereafter a certificate of all transfers of stock, not later than ten days after such transfer. No transfer of stock shall operate as a release of liability provided in this section.

Section 11. Banks or banking associations may be organized under the provisions of this act in all cities, towns and villages with a minimum capital stock, according to the population of such cities, towns and villages, as follows:

In all cities, towns and villages of not exceeding five thousand inhabitants, of twenty-five thousand dollars.

In all cities, villages and towns of over five thousand inhabitants, and less than ten thousand inhabitants, of fifty thousand dollars.

In all cities, towns and villages of ten thousand inhabitants, and less than fifty thousand inhabitants, of one hundred thousand dollars.

In all cities and towns of fifty thousand inhabitants, or more, of two hundred thousand dollars.

Should the capital stock of any bank organized under this act become impaired the Auditor shall give notice to the president to have the impairment made good by assessment of the stockholders or a reduction of the capital stock of such bank, if the reduction should not bring the capital below the provisions of this section; and if the capital stock of said bank shall remained impaired for thirty days after notice by the Auditor he shall have power, and it is hereby made his duty, to enter suit against each stockholder in the name of the People of the State of Illinois, for the use of said bank, for his or her pro rata proportion of such impairment, and when collected shall pay over the amount thereof to said bank, and the judgment in such case shall be for the amount claimed, with all costs and reasonable attorney's fees, which fees shall be fixed by the court, or he may, in his discretion, file a bill in the circuit court of the county in which said bank is located, in the name of the People of the State of Illinois, against said bank and its stockholders, for the appointment of a receiver for the winding

up of the affairs of said bank; and said court, upon the presentation of said bill, and upon being made satisfied that the capital of said bank has become impaired, shall immediately appoint a competent and disinterested person as such receiver, and shall determine and fix his bonds, and shall prescribe his duties; and said cause shall proceed as other cases in equity.

“Section 2. It shall be the duty of the Secretary of State for this State to submit this act to a vote of the people for their ratification, according to article 11, section 5, of the Constitution of this State, at the next general election, and the question shall be “For the amendments to the act concerning corporations with banking powers” or “Against the amendments to the act concerning corporations with banking powers.” And if approved by a majority of the votes cast at such election for or against such law, the Governor shall thereupon issue his proclamation that this act is then in force.”

APPROVED June 3, 1889.

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## BASTARDY.

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### BOND FOR SECURITY.

§ 1. Amends section 9, act of 1872, by adding the proviso.

AN ACT *to amend section nine of an act entitled “An act concerning bastardy,” approved April 3, 1872, and in force July 1, 1872.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section nine of “An act concerning bastardy,” approved April 3, 1872, and in force July 1, 1872, be and the same is hereby amended to read as follows:

Section 9. In case the defendant shall refuse or neglect to give such security as may be ordered by the court, he shall be committed to the jail of the county, there to remain until he shall comply with such order, or until otherwise discharged by due course of law. Any person so committed shall be discharged for insolvency or inability to give bond: *Provided*, such discharge shall not be made within six months after such commitment.

APPROVED June 4, 1889.

## RELEASE FROM LIABILITY.

§ 1. Amends the act of 1872 by adding a section numbered 18.

Sec. 18. Mother of child may release reputed father, with the consent of the county judge; may be released without such consent by the payment of \$400.

AN ACT to amend an act entitled "*An act concerning bastardy*," approved April 3, 1872, in force July 1, 1872, by adding thereto a section to be numbered eighteen.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "*An act concerning bastardy*," approved April 3, 1872, in force July 1, 1872, be and is hereby amended by adding thereto the following section, to be numbered eighteen:

Section 18. The mother of a bastard child, before or after its birth, may release the reputed father of such child from all legal liability on account of such bastardy, upon such terms as may be consented to in writing by the judge of the county court of the county in which such mother resides: *Provided*, a release obtained from such mother in consideration of a payment to her of a sum of money less than four hundred dollars (\$400) in the absence of the written consent of the county judge, shall not be a bar to a suit for bastardy against such father, but if, after such release is obtained, suit be instituted against such father, and the issue be found against him, he shall be entitled to a set off for the amount so paid, and it shall be accredited to him as of the first payment or payments: *And, provided, further*, that such father may compromise all his legal liability on account of such bastard child, with the mother thereof, without the written consent of the county judge, by paying to her any sum not less than four hundred dollars (\$400).

APPROVED June 3, 1889.

## BRIDGES.

## ACROSS NAVIGABLE RIVERS.

§ 1. Amends the act of 1872, by adding the proviso.

AN ACT to amend an act entitled "*An act giving the assent of the State of Illinois to the construction of bridges across navigable rivers in this State, and upon the boundaries thereof,*" approved April 4, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "*An act giving the assent of the State of Illinois to the construction of bridges across navigable rivers in this State and upon the boundaries thereof,*" approved April 4, 1872, and in force July 1, 1872, be so amended as to read as follows:

Section 1. That the assent of the State of Illinois is hereby given any corporation or association organized under the laws of this State, and subject thereto, to construct bridges across navigable rivers in this State, and upon the boundaries thereof, whenever authorized by the Congress of the United States, under such conditions and restrictions as the Congress may impose: *Provided*, that whenever any State bordering on the Ohio or Mississippi river has refused or neglected, and shall continue to refuse or neglect to grant privileges similar to those granted by this act, or has repealed or shall hereafter repeal any charter of any bridge company organized for the purpose of building a bridge across the Ohio river or Mississippi river, the provisions of this act shall not apply to the construction of any bridge not now commenced, from any such State into this State; and no bridge shall hereafter be commenced and built into this State, or made to connect with any railroad in this State, across the Ohio river or the Mississippi river from any State which has repealed or may hereafter repeal the charter of any bridge company, organized to build a bridge across the Ohio or Mississippi river, until the law repealing such bridge charter shall be repealed by such State.

APPROVED June 1, 1889.

## ACROSS STREAMS FORMING STATE BOUNDARY.

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| § 1. Free public bridges across streams forming State boundary exempt from taxation. | § 2. Penalties. |
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AN ACT exempting from taxation bridges across any stream forming the boundary line between this and an adjoining State when such bridge is a free public highway.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any bridge used exclusively for persons and vehicles, across any stream forming the boundary line between this and an adjoining State shall be made a public highway, free to all persons and vehicles, such bridge shall not be subject to taxation in this State: *Provided*, that nothing in this act shall prevent the owner or owners of such bridge, or those under whose authority it is operated, from making and enforcing by fine, such rules and regulations as may be deemed necessary for the management of such bridge.

§ 2. Whoever shall violate any of the rules or regulations so made by such owner or owners, or those under whose authority such bridge is operated, shall be deemed guilty of a misdemeanor, and shall be fined not to exceed one hundred dollars.

APPROVED May 10, 1889.

## CEMETERIES.

## PROTECTION AND MANAGEMENT.

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| § 1. Amends the act of 1885 by amending section 4, and adding three sections thereto, numbered 5, 6 and 7.<br>Amends section 4 by striking out the last seven lines from the period after the word "use." | Section 5. Gifts and donations in trust for the purpose of repairs, improvement and ornamentation.<br>Section 6. Investment of trust funds; reports to the county judge.<br>Section 7. Trust funds exempt from taxation. |
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AN ACT to amend an act entitled "*An act to protect cemeteries, and to provide for their regulation and management*," approved June 29, 1885, in force July 1, 1885, by amending section four (4), and adding thereto three sections, to be known as section five (5), six (6) and seven (7).

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act en-

titled "An act to protect cemeteries, and to provide for their regulation and management," approved June 29, 1885, in force July 1, 1885, be amended by amending section four (4) by adding thereto three sections, to be known as sections five (5), six (6) and seven (7), as follows:

Section 4. The board of directors of such cemetery society, or cemetery association, may set apart such portion as they see fit of the moneys received from the sale of lots in such cemetery, which sums shall be kept separate from all other assets of the association or society as an especial trust fund, and they shall keep the same invested in safe interest or income-paying securities for the purpose of keeping said cemetery, and the lots therein, permanently in good order and repair, and the interest or income derived from such trust fund shall be applied only to that purpose, and shall not be diverted from such use.

Section 5. It shall be the duty of the board of directors of such cemetery society or cemetery association to receive, by gift or bequest, real or personal property, or the income and avails of property which shall be conveyed in trust for the improvement, maintenance, repair, preservation and ornamentation of such lot or lots, vault or vaults, tomb or tombs, or other such structures in the cemetery of which such board has control, as may be designated by the terms of such gift or bequest, and in accordance with such reasonable rules and regulations therefor, as shall be made by such board of directors; and such board of directors shall keep such trust fund invested in safe interest or income-bearing securities, the income from which shall be used for the purpose aforesaid.

Section 6. The trust fund mentioned in sections four (4) and five (5) of this act, shall be vested in said boards of directors, and the securities taken therefor shall be approved by the county judge of the county wherein such cemetery is located; and said board of directors shall, once in every two years, make an itemized report to said judge, of all such trust funds in their hands, and the securities taken therefor.

Section 7. The trust funds, gifts and bequests mentioned in sections four (4) and five (5) of this act, shall be exempt from taxation and from the operation of all laws of mortmain and laws against perpetuities and accumulations.

APPROVED June 3, 1889.

## CHARITABLE INSTITUTIONS, STATE.

## HOSPITALS FOR THE INSANE—NORTHERN.

§ 1. Trustees authorized to sell and convey certain land.

§ 2. Purchase money paid into the Treasury of the Hospital.

AN ACT to enable the Trustees of the Illinois Northern Hospital for the Insane, at Elgin, to sell and convey a certain strip of land not available for Hospital purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the trustees of the Illinois Northern Hospital for the Insane at Elgin, are hereby authorized and empowered to sell at public or private sale for cash, the following described tract of land, viz:

Part of section number twenty-five (25) of township number forty-one (41), north of range number eight (8) east of the third principal meridian, bounded as follows: to-wit:

Commencing on the north line of said section, five chains and sixty-five links west of the north-east corner of the west half of the north-east quarter of said section number twenty-five (25); thence south one and one-half degrees east, two chains and sixty-eight links, thence west parallel to said north line to the east line of the right of way of the Chicago and North-Western Railroad Company; thence northerly along said east line of said right of way to the north line of said section, thence east along section line to place of beginning; (subject nevertheless to the right of way over said premises heretofore granted to the Chicago and Pacific Railroad Company,) and to execute to the purchaser of said land a good and sufficient deed, conveying to such purchaser all the right, title and interest of the State of Illinois, and of said trustees in and to the land which they are hereby authorized to sell.

§ 2. The purchase money for the real estate aforesaid shall be paid to the treasurer of said hospital, and shall be paid out as other funds of said hospital are, but said purchase money shall be used for the purpose of improving the grounds of said hospital, and for no other purpose.

APPROVED June 1, 1889.

## CITIES, TOWNS AND VILLAGES.

## ANNEXATION.

- § 1. Adjoining cities, towns and villages may be annexed. Petition presented to the county court for submission of the question to vote; number of signers to said petition; question shall be submitted at a special, general or municipal election; notice of election; ballots, how printed; canvass of vote; return to the county clerk; result, effect of; second petition, how signed.
- § 2. Annexing parts of cities, towns and villages; petition for an election; territory to be annexed shall be described in the petition; election, when and how held; notice of election, how given; ballots, how printed; canvass of vote and certificate of result; second petition.
- § 3. Petitions for the whole and part of cities, towns and villages at the same time; question shall be submitted; result of election.
- § 4. Debts and liabilities, principal and interest of annexed territory shall be assumed by the city, town or village to which it has been annexed; school indebtedness and school property; registered bonds, Auditor shall be notified; payment of such bonds; school indebtedness of parts of school districts.
- § 5. Annual tax levy, annexed territory to be included.
- § 6. Annexation shall not arrest or interfere with the proceedings for the collection of taxes or special assessments; application of the money collected.
- § 7. Prosecution or defense of pending suits at law subsequent to annexation, shall be in the name of the city, town or village to which annexation has been had.
- § 8. Debts, liabilities and obligations of parts of cities, towns and villages annexed; proportionate share shall be assumed; school indebtedness, how assumed and paid; proportionate share of indebtedness, how agreed upon; in case of disagreement the matter shall be determined by the courts; in case of agreement or a decision of the courts an ordinance shall be adopted reciting the amount of indebtedness assumed and to be paid, which declaration shall be final in regard thereto, and certified accordingly; title of public and school property of annexed territory shall vest in the city, town or village to which it has been annexed.
- § 9. Annual tax levy in parts of cities, towns and villages annexed; *pro rata* share of taxes payable to the territory to which annexed.
- § 10. Improvement of streets by special assessment or taxation, how consummated.
- § 11. Opening streets or alleys when proceedings have been instituted for taking land for such purpose; proceedings shall not be arrested.
- § 12. Rights and privileges of annexed or detached portions of cities, towns and villages with respect to water works, gas or electric light systems; in case of disagreement thereto the court shall decide the matter in a summary manner, without formal proceedings therein, as the right and equity of the case may require, judgment shall be final.
- § 13. Matters of dispute between annexed and detached territory shall at the end of sixty days be submitted to the courts for final determination and settlement.



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| <p>§ 14. Public records, papers and documents shall be transferred to the proper authorities of the territory to which annexed.</p> <p>§ 15. City, town or village officers residing in detached portions shall not be disturbed on account of such annexation, prior to the next annual municipal election.</p> <p>§ 16. Justices of the Peace and Police Magistrates shall continue to hold office for the residue of their terms; pending suits shall be heard and determined; fees, emoluments, etc.; jurisdiction confined to territory as prior to annexation; dockets, papers and files, disposal of at expiration of term of office.</p> <p>§ 17. Policemen and firemen in annexed territory shall continue and become part of police and fire department in the territory to which it has been annexed.</p> | <p>§ 18. Ordinances in regard to licensing dram-shops shall continue in force notwithstanding annexation; provided that upon petition of one-fourth of the voters the question of granting license may be submitted to vote at a municipal election; canvass and return of vote; effect of election.</p> <p>§ 19. Wards, how constituted in annexed territory; aldermen, how and when elected; representation in city council, how determined.</p> <p>§ 20. Sewerage system and drainage district.</p> <p>§ 21. Territory annexed to towns under the provisions of an act to amend certain sections of article 3 of "an act to revise the law in relation to township organizations," approved June 15, 1887, may become annexed to cities, towns and villages within said towns; proceedings.</p> <p>§ 22. Repeals.</p> <p>§ 23. Emergency.</p> |
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*AN ACT to provide for the Annexation of Cities, Incorporated Towns and Villages, or parts of same, to Cities, Incorporated Towns and Villages.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That where an incorporated city, town or village adjoins another incorporated city, town or village, it may be annexed thereto in the manner following, that is to say: A petition shall be presented to the judge of the county court of the county wherein such incorporated city, town or village to which such annexation is sought is situated, asking that the question of annexation be submitted to the legal voters of the city, village or incorporated town sought to be annexed, and the legal voters of the city, village or incorporated town to which it is sought to annex the same. Such petition shall be signed by not less than two hundred and fifty (250) of the legal voters of the city, village or incorporated town sought to be annexed, unless the votes cast in said city, village or incorporated town at the last preceding general election numbered less than five hundred (500), in which case the petition shall be signed by one-third ( $\frac{1}{3}$ ) of the legal voters of such city, village or incorporated town, and thereupon said county judge shall cause to be submitted the question of annexation to the voters of the incorporated city, town or village sought to be annexed, and to the voters of the incorporated city, town or village to which it is sought to annex the same at an election to be holden in each of said incorporated cities, towns or villages. Such question may be submitted at either a special election called for that purpose, or at any municipal election, or at any general election. Notice of the election hereby

required shall be given by causing notices thereof to be published in at least one newspaper published in said county, within which said city, village or incorporated town may be to which territory is sought to be annexed, at least fifteen (15) days before such election, by the clerk of the county court. The ballots cast at such election to be written or printed, or partly written or partly printed "For Annexation," "of" (here name the city, village or incorporated town to be annexed) "to" (here name city, village or incorporated town to which annexation is sought), or, "Against annexation," "of," (here name city, village or incorporated town to be annexed), "to," (here name city, village or incorporated town to which annexation is sought), respectively, to be received, canvassed and returned the same as ballots for municipal officers of such incorporated cities, towns or villages, and the officers who are charged by law with the duty of canvassing such votes shall file, or cause to be filed, with the clerk of the county court of such county a certificate of the result of such canvass immediately upon ascertaining the result thereof, and if it shall appear that a majority of the voters of each incorporated city, town or village so voting upon the question of annexation at such election, vote for annexation, thereupon the jurisdiction of the incorporated city, village or town to which such other incorporated city, village or town is annexed, shall extend over said territory; but if it shall appear that a majority of the voters of any incorporated city, town or village so voting upon the question of annexation when such question is first submitted, vote against annexation, any petition thereafter presented to the judge of the county court, shall be signed by not less than one-eighth of the legal voters, of the incorporated city, town or village which is sought to be annexed to an adjoining city, village or incorporated town, so voting against annexation.

§ 2. When the inhabitants of any territory not less than one-half square mile in extent, and less than the whole of an incorporated city, village or town, and which territory shall be contiguous to and adjoining the territory of another incorporated city, village or town, desire to be annexed to such other incorporated city, village or town, such annexation may be effected as follows: A petition shall be presented to the judge of the county court wherein such incorporated city, town or village is situated to which annexation is desired, signed by not less than one hundred of the legal voters of the territory sought to be annexed, asking that the question of annexation of the territory described in the petition may be submitted to the legal voters of the city, village or incorporated town, from which said territory is to be taken, and to the legal voters of the city, village or incorporated town, to which it is sought to annex the same. Such territory shall be described in said petition, and thereupon said county judge shall cause to be submitted the question of the annexation of such territory to the voters of the incorporated city, town or village from which it

is sought to disconnect territory, and to the voters of the incorporated city, town or village to which it is sought to annex the same, at an election to be holden in each of said incorporated cities, towns or villages. Such question may be submitted at either a special election called for that purpose, or at any municipal election, or at any general election. Notice of the election hereby required shall be given by causing notices thereof to be published in at least one newspaper published in said county within which said city, village or incorporated town may be, to which territory is sought to be annexed, at least fifteen days before such election, by the clerk of the county court. The ballots cast at such election to be written or printed, or partly written and partly printed "For annexation of" (here describe territory of city, village or incorporated town to be annexed) "to" (here name city, village or incorporated town to which annexation is sought) or "Against annexation of" (here describe "territory of city, village or incorporated town to be annexed) "to" (here name city, village or incorporated town to which annexation is sought), respectively to be received, canvassed and returned the same as ballots for municipal officers of such incorporated cities, towns or villages; and the officers who are charged by law with the duty of canvassing such votes shall file, or cause to be filed, with the clerk of the county court of such county, a certificate of the result of such canvass immediately upon ascertaining the result thereof; and if it shall appear that a majority of the voters of each city, village or incorporated town so voting upon the question of annexation at such election vote for annexation, thereupon the jurisdiction of the incorporated city, town or village shall extend over said territory so annexed; but if it shall appear that a majority of the voters of any territory less than the whole of an incorporated city, village or town, so voting upon the question of annexation, when said question is first submitted, vote against annexation, any petition thereafter presented to the judge of the county court for the annexation of the same territory shall be signed by not less than one-eighth of the legal voters of the territory so voting against annexation.

§ 3. If petitions are presented to the county judge as prescribed in this act for the annexation of the whole, and also for the annexation of a part or parts of a city, village or incorporated town to a city, village or incorporated town, the said county judge shall submit such questions as petitioned for by each petition, and if at such election the result of the votes shall be against annexation of the whole, but shall be in favor of annexation of a part or parts and such parts combined as one territory are contiguous to such city, village or incorporated town, or if any such part be contiguous to such city, village or incorporated town, then such contiguous territory shall be annexed the same as though no proposition had been submitted to annex the whole thereof.

§ 4. The city, village or incorporated town to which the whole of another city, village or incorporated town is annexed

under the provisions of this act shall assume and pay any and all debts, liabilities, bonds or obligations and interests thereon of the city, incorporated town or village so annexed and shall become vested with title and ownership of all property belonging to said city, village or incorporated town so annexed, to be held for the same purposes and to the same uses, subject to the same conditions as theretofore, and if the public schools of such enlarged city, village or incorporated town are all in charge and under the control of one board of education, the said enlarged city, village or incorporated town shall assume and pay the indebtedness of each school district or township lying wholly therein, and shall become vested with the title and ownership of all property belonging to any school district or township lying wholly therein, to be held for the same purposes and to the same uses and subject to the same conditions as theretofore. If the bonds of said city, village or incorporated town so annexed, or of any school district or township lying wholly therein have been registered in the office of the State Auditor of Public Accounts, in accordance with the statute, the county clerk shall certify the fact of such annexation forthwith to said State Auditor, and said State Auditor shall not thereafter certify any rate per centum to the county clerk, nor shall the county clerk thereafter extend any such rate for the payment of said bonds or interest thereon upon the taxable property of such city, town or village so annexed, or school district or township. All debts, bonds and obligations of the united municipality to be paid by the enlarged city, village or incorporated town. And if there be a portion of a school district or township lying within, and a portion lying without such annexed territory, the debts of such school district or township shall be paid, and the property divided in the same manner as is provided for paying debts and dividing property in section eight (8) of this act where parts of cities, villages or incorporated towns are annexed to other cities, villages or incorporated towns.

§ 5. When the whole of a city, village or incorporated town is annexed to another city, village or incorporated town, under the provisions of this act, and the corporate authorities of such city, village or incorporated town so annexed shall have passed an ordinance, termed the annual appropriation ordinance, but not an ordinance levying a tax for the purpose of collecting a sufficient sum of money to defray the total amount of appropriations for all corporate purposes for that fiscal year, then the corporate authorities of the city, village or incorporated town to which such territory is annexed, shall have the right to include the amount of such appropriations in the annual tax levy of such city, village or incorporated town, the same as though such appropriations had been made by the city, village or incorporated town to which such other city, village or incorporated town is annexed. The said taxes may be used

by the city, village or incorporated town to which annexation is had for the purpose for which such appropriation was made by the city, village or incorporated town so annexed.

§ 6. When the whole of an incorporated town, city or village shall be annexed to another city, village or incorporated town, it shall not arrest, stay or interfere with any proceedings for the collection or enforcement of any tax, special assessment, or special tax, but the same shall proceed and be carried to a finality as though no such annexation had taken place, and the proceeds thereof shall be paid over to the treasurer of the city, village or incorporated town to which such other village, city or incorporated town is annexed to be used for the purpose for which the tax was levied or the proceedings instituted.

§ 7. All suits pending in any court on behalf of or against any village, city or incorporated town, the whole of which is under the provisions of this act annexed to another city, village or incorporated town, may be prosecuted or defended in the name of the city, village or incorporated town so annexed, and all judgments, fines, decrees or recoveries obtained for or on behalf of any village, city or incorporated town so annexed to another may be collected and enforced with like force and effect as though such annexation had not taken place, in the name of the city, village or incorporated town so annexed.

§ 8. When a part of the territory of a city, village or incorporated town is taken therefrom and annexed to another city, village or incorporated town, under the provisions of this act, then the proportionate share of any indebtedness, contract or liability of such city, village or incorporated town from which such territory is taken shall be assumed and paid by such enlarged city, village or incorporated town according to the taxable property in such disconnected territory as the same existed immediately before such annexation, and if the public schools of such enlarged city, village or incorporated town shall be in charge and control of one board of education, then the proportionate share of any indebtedness of any school district or township shall be assumed and paid by such enlarged city, village or incorporated town, according to the taxable property in such part of such disconnected territory within such school district or township as the same existed immediately before such annexation, and if the whole of a school district or township is annexed then such municipality shall assume and pay all the indebtedness of such school district or township. The amount of the said indebtedness to be paid by said enlarged city, town or village shall be determined and agreed upon by the city council of the city or trustees of the village or incorporated town to which such territory is annexed, and the city council of the city or trustees of the village or incorporated town from which such territory is taken, or the school authorities of the school district or township of which such disconnected territory was a part, as the case may be, in such manner as they shall

elect; if they cannot agree, then the matter shall be determined by the circuit or county court of the county in which such municipal corporation may be to which such annexation is made by petition of either municipal corporation or of any taxpayer of either municipality. The court shall hear and determine the matter in a summary manner, without pleadings, and shall pronounce judgment as the right and equity of the matter may demand. If the respective corporate authorities shall agree as to the amount to be paid by such enlarged city, town or village, then each shall pass an ordinance or a resolution reciting the amount thereof to be paid, a copy of which said ordinance or resolution shall be duly certified by the clerk of the city, village or incorporated town, to which such territory is annexed, and filed with the county clerk of the county wherein such enlarged city, town or village may lie, and by him certified to the State Auditor of Public Accounts, and which said ordinance or resolution shall be final and conclusive in all proceedings as to the amount of indebtedness so to be paid. If a judgment or decree shall be entered by a circuit or county court as herein provided, then a certified copy thereof shall be made by the clerk of said court, and filed with the clerk of each of the said municipal corporations and with the county clerk, and by the county clerk certified to the State Auditor of Public Accounts, and such judgment shall be final and conclusive in all proceedings as to the amount of indebtedness to be paid by each municipality. The State Auditor shall not thereafter certify any rate per centum to the county clerk, nor shall the county clerk thereafter extend any rate upon the taxable property of said annexed territory for the payment of any of said bonds or interest thereon so issued by the city, incorporated town or village from which it is disconnected. Said enlarged city, town or village shall be vested with the title and ownership of all the public and school property in such annexed territory, and shall be charged therewith in the division of the public property of such dismembered city, incorporated town or village, or school district, or township, between said municipalities, or between said enlarged city, town or village, and any dismembered school district or township as the case may be, and the territory not annexed shall be charged with all the public property within such territory, and all the public funds in the hands of the corporate authorities, such division to be agreed upon by the same authorities or settled by the court in the same manner and upon the same basis as above provided for in dividing the indebtedness of said dismembered municipality or school district or township.

§ 9. When a part of a city, village or incorporated town is annexed to another city, village or incorporated town, and before such annexation, the municipal authorities of the city, village or incorporated town from which the territory is detached had made an annual tax levy, then in such case there shall be

paid over to the treasurer of the city, village or incorporated town to which such territory is annexed, the *pro rata* share paid by such territory of said tax levy for said year according to the taxable property therein, as the same existed immediately before such annexation, and charging such territory its proportionate share for the expired part of the fiscal year.

§ 10. When a part of a city, village or incorporated town is annexed to another city, village or incorporated town under the provisions of this act, and prior to such annexation proceedings had been instituted for the purpose of improving any streets within such detached portion by special assessment or special taxation, then in such case such proceedings may be carried to a finality whether the whole improvement be within the detached portion or not. If the whole improvement is to be made within the detached portion, then the amount collected by such proceedings shall be paid over to the city, village or incorporated town to which such territory is annexed, to be used by such city, village or incorporated town for the purpose for which such proceedings were instituted. If only a part of such improvement is to be made within the detached territory, then the city, village or incorporated town from which such territory is detached may proceed with the same as though such annexation had not taken place.

§ 11. When a part of a city, village or incorporated town is annexed to another under the provisions of this act, then in that case any proceedings instituted for the purpose of taking land for the purpose of opening any street or alley, or other public way within the territory so annexed, shall not be arrested or stayed, but the same may proceed to a finality if the city, village or incorporated town to which such territory is annexed so elect, and all moneys received from any special assessment or tax levied or assessed for such purpose shall be paid over to the city, village or incorporated town to which such territory is annexed, to be used by it for the purposes for which the same was collected, such proceedings to be continued in the name of the city, village or town from which the territory is detached, with like force and effect as though the said territory had not been detached therefrom.

§ 12. If a part of a city, village or incorporated town be annexed to another village, city or incorporated town, then such part of the city, village or incorporated town shall have the same use and benefit of any waterworks, gas or electric light system owned by such city, village or incorporated town prior to such annexation, on the same terms, conditions and restrictions that it had before such annexation; and on the same terms, conditions and restrictions, said territory not annexed may thereafter receive the use and benefit thereof; and if a portion of the territory of any city, village or incorporated town be annexed to another city, village or incorporated town, then the portion of the city, village or incorporated town not an-

nexed shall have the same use and benefit of any waterworks, gas or electric light system owned by such city, village or incorporated town prior to such annexation, on the same terms, conditions and restrictions that it had before such annexation, and on the same terms, conditions and restrictions said territory annexed may thereafter receive the use and benefit thereof. Either part of such village, city or incorporated town receiving such benefits as aforesaid, may have its said rights and benefits waived by the city council or board of trustees of a city, village or incorporated town, to and from which said territory is annexed and detached, upon such just and equitable terms as they may agree, and if they cannot agree, then the matter shall be determined by the circuit or county court of the county within which such city, village or incorporated town to which territory is annexed may lie, on petition of any person interested therein. Said court shall determine the matter aforesaid in a summary manner and without formal proceedings pronounce judgment as the right and equity of the case may require, and such judgment shall be final and conclusive.

§ 13. When a part of a city, village or incorporated town shall be under the provisions of this act annexed to another city, village or incorporated town, then in case the municipal authorities of the municipal corporation from which the territory is detached and of the municipal corporation to which it is attached cannot by ordinance agree as to the division of the property or the settlement of their respective rights and all matters arising out of said annexation within sixty days thereafter, then the circuit or county court of the county within which either municipal corporation may be, shall hear and determine all matters so in dispute and give judgment or decree as the right of the matter may demand on petition of either municipal corporation, and such judgment shall be final and conclusive.

§ 14. All public books, papers and documents, when the whole of an incorporated city, town or village is annexed, under the provisions of this act, on file in any office or with any officer thereof, shall be transferred to and filed with the appropriate officer or department of the city, incorporated town or village to which such annexation is made, as the city council or board of trustees thereof, as the case may be, shall direct; and it shall be the duty of all persons having charge of such books, papers and documents to deliver the same to and file the same with the appropriate officer or department as in this section provided.

§ 15. When a part of a city, village or incorporated town shall be annexed to another city, village or incorporated town, and any mayor, president, alderman or trustee, clerk, treasurer or attorney for such municipality from which the territory is detached shall reside in the territory so detached, then he shall



continue in office as an officer of such municipal corporation until the next annual municipal election of such city, village or incorporated town as the case may be.

§ 16. When the whole or any part of such city, village or incorporated town shall be annexed to another city, village or incorporated town under the provisions of this act, then any justice of the peace, or police magistrate, duly elected, qualified and acting at the time that annexation shall take effect, shall continue to hold their offices for the terms for which they were respectively elected. All suits, actions, proceedings, complaints, prosecutions and special proceedings which shall be pending in the territory annexed before any justice of the peace, shall be heard and determined as though annexation had not taken place, and the said justices of the peace shall continue to exercise within said territory, the functions of their respective offices until the term thereof shall respectively expire or otherwise sooner be determined, in the same manner as though annexation had not taken place, and the powers and jurisdiction of said justices within said territory, and their fees and emoluments and methods of procedure shall be as though annexation had not taken place. But nothing in this section contained shall authorize any service of process issued by a justice of the peace or police magistrate of the city, village or incorporated town, -or give any such justice of the peace jurisdiction outside of the territory to which his jurisdiction was limited before such annexation, or interfere with the jurisdiction of any justice of the peace or police magistrate of the city to which it is annexed over the territory annexed. At the expiration of the term of such justices of the peace or police magistrates, all dockets and books, papers and files of their respective offices shall be filed and deposited with any justice of the peace of the city, village or incorporated town to which said territory is annexed that the circuit court of the county shall designate by order of the court.

§ 17. All policemen and firemen lawfully in the employ of any city, village or incorporated town, the whole of which may be annexed to another, as provided in this act, shall be transferred to and become a part of the police and fire department force of such city, village or incorporated town.

§ 18. When a part or the whole of an incorporated town, village or city is annexed under the provisions of this act, to another city, village or incorporated town, and prior to such annexation an ordinance was in force prohibiting the issuing of licenses to keep dram shops within said territory so annexed, or any part thereof, or, providing that such licenses shall not be issued except upon petition of a majority of the voters residing within a certain distance of such proposed dram shops, then such ordinance shall continue in full force and effect, notwithstanding such annexation: *Provided*, the city council or board

of trustees, as the case may be, may on petition of one-fourth of the voters of the territory over which said ordinance extends submit at an annual municipal election, but not oftener than every other municipal election, the question to the voters of such territory whether or not an ordinance shall be passed authorizing the issuing of dram shop licenses for such territory: *And, provided, further,* that upon petition in such case of one-fourth of the voters within any part of said annexed territory not less than one-half square mile in extent, asking that any such ordinance shall be continued in force in said portion of said annexed territory, said question of issuing dram shop licenses shall be submitted separately to the voters of said portion of said annexed territory, and if a majority of the voters voting on such question vote against dram shops, then said ordinance shall continue in force in said portion of said territory; otherwise, not. The ballots cast at such election shall be written or printed, or partly written and partly printed, "For Dram Shops," or "Against Dram Shops," respectively, and shall be received, canvassed and returned the same as ballots cast at said election for municipal officers, and if it shall appear that a majority of the voters so voting upon the question vote "For Dram Shops," then licenses may be issued for said territory on the same terms and conditions as licenses are granted by ordinance within other parts of the municipality. It is intended by this section to continue in full force and effect all ordinances of any municipality, the whole or part of which is annexed to another city, incorporated town or village, whereby the licensing of dram shops is prohibited or regulated within said city, village or incorporated town, or any part thereof, without the voters of the territory so affected consent, as hereby provided, to the repeal of such ordinance by the city, village or incorporated town to which the territory is annexed.

§ 19. Whenever the whole or a part of any city, village or incorporated town is annexed to a city having 30,000 inhabitants or more, and such annexed territory is three or more square miles in extent, or contains 15,000 inhabitants and not more than 25,000 inhabitants, then such annexed territory shall constitute a ward of the city to which it is annexed, and the city council of such city shall authorize the legal voters of such annexed territory to elect two aldermen from such ward in such annexed territory, which said aldermen from such annexed territory shall be additional aldermen to the number theretofore required in such city, and shall possess all the qualifications of and be elected at the time and in the manner provided by law: *Provided,* that if said annexed territory shall contain more than 25,000 inhabitants, then the city council shall authorize the legal voters of such annexed territory to elect two aldermen for every 25,000 inhabitants thereof, and two additional alderman for a fraction of 15,000 inhabitants or more, the number of inhabitants to be determined by the

last preceding national, state or school census of such annexed territory, and if any such annexed territory has less than 15,000 inhabitants and is less than three square miles in extent, then the city council shall annex it to any ward or wards which it adjoins: *Provided, further*, that nothing herein shall prevent the city council from redistricting such city according to law.

§ 20. When the whole of a city, village or incorporated town or part of the same, is annexed to another city, village or incorporated town under the provisions of this act, and within such territory so annexed, sewers were before such annexation laid or built by special assessment, then in such cases the city, village or incorporated town to which such territory is annexed may continue to lay or build sewers or establish a drainage system by drainage districts within such annexed territory by special assessment or special taxation if it shall so elect.

§ 21. Whenever any territory being a part of a city, village or incorporated town has been annexed to an adjoining town which is wholly within the limits of a city, village or incorporated town under the provisions of an act entitled "An act to amend sections 2, 4, 6, 7, 10, 11 and 12 of article 3 of an act entitled 'An act to revise the law in relation to township organization, approved and in force March 4, 1874,' approved June 15, 1887, in force July 1, 1887," then and in such cases such territory which has been so annexed to and become a part of the city, village or incorporated town within which such town lies, to which such territory has been annexed in the manner following, viz: A petition may be presented to the county board of the county within which such city may lie, signed by a majority of the legal voters of the territory so annexed to such town, and thereupon if said county board shall find that such petition is signed by a majority of the legal voters of said territory, the county board shall thereupon by resolution annex such territory to said city, village or incorporated town. And upon such declaration by the county board the limits of said city, village or incorporated town shall thereupon be extended to include the territory annexed to said town: *Provided*, this section shall not be held to prohibit the annexation of such territory in any other manner as provided in this act.

§ 22. All acts and parts of acts in conflict herewith are hereby repealed.

§ 23. Whereas, an emergency exists, therefore this act shall be in force and take effect from and after its passage.

APPROVED April 25, 1889.

## ALDERMEN.

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| § 1. Amends section 2, art. 3, act of 1872, by designating the number of aldermen which shall be elected to the city council from annexed territory, according to area and population, and for redistricting for representation in the council in cities having over 350,000 inhabitants. | § 2. Emergency. |
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AN ACT to amend section two of article III, of an act entitled "*An act to provide for the incorporation of cities and villages,*" approved April 10, 1872, in force July 1, 1872; as amended by an act passed May 20, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section two of Article III, of an act entitled "*An act to provide for the incorporation of cities and villages,*" approved April 10, 1872, in force July 1, 1872; as amended by an act passed May 20, 1887, in force July 1, 1887, be and the same is hereby further amended so as to read as follows:

Section 2. The number of aldermen, when not elected by the minority representation plan, shall be as follows: In cities not exceeding 3,000 inhabitants, six aldermen; exceeding 3,000, but not exceeding 5,000, eight aldermen; exceeding 5,000 and not exceeding 10,000, ten aldermen; exceeding 10,000 and not exceeding 30,000, fourteen aldermen; and two additional aldermen for every 20,000 inhabitants over 30,000: *Provided, however,* that in cities of over 350,000 inhabitants there shall be elected forty-eight aldermen and no more, unless additional territory shall be annexed to such city, after such city shall have been divided into wards on the basis of forty-eight aldermen, in which case and as often as new territory shall be annexed to such city, as aforesaid, containing three or more square miles of territory or 15,000 inhabitants and not exceeding 25,000 inhabitants, such annexed territory shall constitute a ward of such city, and the city council of such city shall authorize the legal voters of such annexed territory to elect two aldermen from such ward, in such annexed territory, which said aldermen in such annexed territory shall be additional to said forty-eight aldermen, and who shall possess all the qualifications of and be elected at the time and in the manner provided in the said act, of which this is an amendment: *Provided,* that if said annexed territory shall contain more than 25,000 inhabitants, then the city council shall authorize the legal voters of such annexed territory to elect two aldermen for every 25,000 inhabitants thereof, and two additional aldermen for every fraction of 15,000 inhabitants or

more, the number of inhabitants to be determined by the last preceding national, state or school census of such annexed territory. And if any such annexed territory has less than 15,000 inhabitants, and less than three square miles in extent, then the city council shall annex it to any ward or wards which it adjoins: *Provided, further*, that when the number of aldermen in any such city shall reach seventy by reason of such annexed territory, the city council shall redistrict said city into thirty-five new wards and no more; and when said number of aldermen shall reach seventy, if any new territory is thereafter annexed which shall contain 25,000 inhabitants or more, as determined by the last preceding national, state, school or other census authorized by law to be taken, then said city council shall redistrict said city into thirty-five wards: *Provided, further*, that whenever after such new territory shall have been annexed, as aforesaid, said city shall be redistricted, the number of wards at the time said city is so redistricted shall be preserved, and the city council thereof may, in its discretion, change the boundary between such new ward and the original territory of the city, and make said new ward larger or smaller, to comply with the requirements of said act as to compactness and equality of inhabitants: *And, provided, further*, if it shall appear from any census heretofore or hereafter taken, that any city has the requisite number of inhabitants to authorize it to increase the number of aldermen, it shall be the duty of the city council thereof to proceed without delay and redistrict such city in accordance with the provisions hereof, and to call and hold its next city election in accordance with such new redistricting: *Provided*, that at such election the aldermen who hold over shall be considered aldermen for the new wards respectively in which their residence shall be, unless there shall be two or more aldermen who hold over in the same ward under this proviso, then in such case it shall be determined by lot in presence of the city council in such manner as they shall direct, which aldermen shall hold over for such ward.

§ 2. Whereas, an emergency exists, therefore, this act shall be in force from and after its passage.

APPROVED June 4, 1889.

## FIREMEN'S PENSION FUNDS.

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| <p>§ 1. Amends sections 3, 4, 7, 8 and 10 of the act of 1887.</p> <p>§ 3. Control and management of the fund; assessments of 1 per centum of the salaries of firemen; rules and regulations for the government of the board; applications for relief or pensions, heard and determined; record of proceedings to be kept.</p> <p>§ 4. Rewards in money, fees, gifts, etc., shall be paid into and constitute part of the fund; grants, gifts and bequests of real estate may be accepted by said board; limitation; permanent fund; interest on permanent fund.</p> | <p>§ 7. Retired members, on account of disability; pay of.</p> <p>§ 8. Pensions to widow and minor children; limitation; pro rata payments.</p> <p>§ 10. Retired members on account of service; limitation; assignment of retired members to light duty; pension of retired members shall accrue to widow, while unmarried, or to minor children, under 16 years.</p> |
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AN ACT to amend sections three (3), seven (7), eight (8) and ten (10) of an act entitled "An act to create a board of trustees of the Firemen's Pension Fund; to provide and distribute such fund for the pensioning of disabled firemen and the widows and minor children of deceased firemen; to authorize the retirement from service and pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages or incorporated towns whose population exceeds fifty thousand inhabitants having a paid fire department," approved May 13, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section three (3), four (4), seven (7), eight (8) and ten (10), of an act entitled "An act to create a board of trustees of the Firemen's Pension Fund; to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children of deceased firemen; to authorize the retirement from service and pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages or incorporated towns whose population exceeds fifty thousand inhabitants, having a paid fire department," approved May 13, 1887, in force July 1, 1887, be amended as follows:

Section 3. The said board shall have exclusive control and management of the fund mentioned in the first section of this act, and of all money donated, paid or assessed for the relief or pensioning of disabled, superannuated and retired members of the fire departments, their widows and minor children, and shall assess each member of the fire department not to exceed one per centum of the salary of such member, to be deducted and withheld from the monthly pay of each member so assessed, the same to be placed by the treasurer of such city, village or incorporated town, who shall be *ex officio* treasurer of such board, to the credit of such fund, subject to the order of such

board. The said board shall make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this act, and its decisions on such applications shall be final and conclusive, and not subject to review or reversal except by the board. The board shall cause to be kept a record of all its meetings and proceedings.

Section 4. All rewards in moneys, fees, gifts and emoluments that may be paid or given for or on account of, extraordinary services by said fire department, or any member thereof (except when allowed to be retained by said member, or given to endow a medal or other permanent or competitive award), shall be paid into said pension fund. The said board of trustees may take by gift, grant, devise or bequest, any money, real estate, personal property, right of property or other valuable thing, the annual income of which shall not exceed one hundred thousand dollars (\$100,000) in the whole; and such money, real estate, personal property, right of property or other valuable thing so obtained, (also all fines and penalties imposed upon members of such fire department,) shall in like manner be paid into said pension fund and treated as a part thereof, (for the uses of such pension fund): *Provided*, that the sum of two hundred thousand dollars (\$200,000) which may be received and accumulated, shall be, when so received and accumulated, retained as a permanent fund, and thereupon and thereafter the annual income may be made available for the uses and purposes of such pension fund.

Section 7. If any member of the fire department of any such city, village, or incorporated town, shall, while in the performance of his duty, become and be found upon an examination by a medical officer, ordered by said board of trustees, to be physically or mentally permanently disabled, by reason of service in such department, so as to render necessary his retirement from service in said fire department, said board of trustees shall retire such disabled member from service in such fire department: *Provided*, no such retirement on account of disability shall occur unless said member has contracted said disability while in the service of such fire department. Upon such retirement, the said board of trustees shall order the payment to such disabled member of such fire department, monthly, from said pension fund, a sum equal to one-half the monthly compensation allowed to such member as salary at the date of his retirement.

Section 8. If any member of such fire department shall, while in the performance of his duty, be killed, or die as the result of an injury received in the line of his duty, or of any disease contracted by reason of his occupation, or if any member of such fire department shall, while in said service, die from

any cause while in said service, or during retirement, or after retirement after twenty-two years' service, as hereinafter provided, and shall leave a widow, minor child or minor children under sixteen years of age, surviving, said board of trustees shall direct the payment from said pension fund of the following sums monthly, to-wit: To such widow, while unmarried, thirty dollars; to the guardian of such minor child or children, six dollars for each of said children until it, or they, reach the age of sixteen years: *Provided, however*, that there shall not be paid to a family of a deceased member a total pension exceeding one-half the amount of the monthly salary of such deceased member at the time of his decease; or, if a retired member, a sum not exceeding one-half the amount of the monthly salary of such retired member at the date of his retirement. If at any time there shall not be sufficient money in such pension fund to pay each person entitled to the benefits thereof the full amount per month, as hereinbefore provided, then, and in that event, an equal percentage of such monthly payments shall be made to each beneficiary thereof, until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries.

Section 10. Any member of the fire department of any such city, village or incorporated town, after becoming fifty years of age and having served twenty-two years or more in such fire department, of which the last two years shall be continuous, may make application to be relieved from such fire department, or if he shall be discharged from such fire department, the said board of trustees shall order and direct that said person shall be paid a monthly pension equal to one-half the amount of salary attached to the rank which he may have held in said fire department at the date of his retirement or discharge; and the said board upon the recommendation of the fire marshal or chief officer of any fire department, provided for in this act, shall have the power to assign members of the fire department retired or drawing pensions under this act, to the performance of light duties in such fire department in case of extraordinary emergencies. After the decease of such member, his widow or minor child or children under sixteen years of age, if any surviving him, shall be entitled to the pension provided for in this act, but nothing in this or any other section of this act shall warrant the payment of any annuity to any widow of a deceased member of such fire department after she shall have remarried.

APPROVED March 28, 1889.

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## PLEASURE DRIVEWAYS.

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| <p>§ 1. Municipal authorities in cities, towns and villages authorized to establish and maintain not more than two pleasure driveways, upon petition of property owners on the streets or avenues so designated.</p> | <p>§ 2. Such driveway to be laid out and improved under the provisions of art. 9 of the act providing for the incorporation of cities and villages.</p> <p>§ 3. Regulation and control of such driveways when established.</p> <p>§ 4. Emergency.</p> |
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*AN ACT to provide for pleasure driveways in incorporated cities, villages and towns.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the city council in cities, the president and the board of trustees in villages, or the board of trustees in incorporated towns, whether incorporated under the general law or special charter, shall have the power to designate by ordinance the whole or any part of, not to exceed two streets, roads, avenues, boulevards or highways, under their jurisdiction, as a public driveway, to be used for pleasure driving only, and to improve and maintain the same, and also to lay out, establish, open, alter, widen, extend, grade, pave, or otherwise improve and maintain not more than two roads, streets or avenues, and designate the same as pleasure driveways, to be used for pleasure driving only: *Provided*, said powers shall only be exercised when said corporate authorities are petitioned thereto by the owners of more than two-thirds ( $\frac{2}{3}$ ) of the frontage of land fronting upon said proposed pleasure driveways.

§ 2. Said pleasure driveways may be laid out, extended and improved under the provisions of article 9, of an act to provide for the incorporation of cities and villages, approved April 10, 1872, in force July 1, 1872, and any and all amendments thereto.

§ 3. Said corporate authorities may, by ordinance, regulate, restrain and control the speed of travel upon said pleasure drives, and prescribe the kind of vehicles that shall be allowed upon the same, and in all things may regulate, restrain and control the use of said pleasure driveways by the public or individuals, and may exclude therefrom funeral processions, hearses and traffic teams and vehicles, so as to free the same from any and all business traffic or objectionable travel, and make the same a pleasure driveway for pleasure driving only, and may prescribe in such ordinances such fines or penalties for the violation thereof as they are allowed by law to prescribe for the violation of other ordinances.

§ 4. Whereas, certain municipalities are about establishing such pleasure driveways, or boulevards, and doubts exist as to their power so to do, therefore an emergency exists for the passage of this act, and the same shall take effect and be in force from and after its passage.

APPROVED March 27, 1889.

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PRESIDENTS OF BOARDS OF TRUSTEES.

§ 1. Amends section 9, article 11, act 1872, by defining the powers of presidents and boards of trustees in villages, and fixing the salary of the president.

§ 2. Emergency.

AN ACT to amend section nine of article eleven, of "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872.

Section 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That section nine of Article eleven of "An act to provide for the incorporation of cities and villages," be amended so as to read as follows:

Section 9. The president of the board of trustees shall perform the duties and exercise the powers conferred upon the mayor of a city and shall receive as compensation therefor a salary to be fixed by the board of trustees, which salary shall in no case exceed two thousand dollars (\$2,000) per annum. And the trustees shall perform the duties and exercise all the powers conferred upon aldermen in cities; and the president and board of trustees may exercise the same powers conferred upon the mayor and city council of cities, and pass ordinances in like manner. The president of the board of trustees may exercise the same veto powers, and with like effect, as the mayor of a city; and the board of trustees may pass ordinances over such veto in like manner as a city council.

§ 2. Whereas, uncertainty exists as to the powers that may lawfully be exercised by the presidents of boards of trustees, therefore an emergency exists, and this act shall be in force from and after its passage.

APPROVED May 22, 1889.

## SALE OF REAL AND PERSONAL ESTATE.

§ 1. Cities and villages may by ordinance adopted by a three-fourths vote sell real and personal estate no longer necessary or profitable to the corporation.

§ 2. Publication of ordinance of sale; description of property; advertising for

sealed proposals; bids opened at a regular meeting of the council or board of trustees; acceptance of bids must be by a three-fourths vote; bids may be rejected by a majority vote.

§ 3. Deeds of conveyance.

AN ACT *to authorize cities and villages to convey any real or personal estate, or their right and title therein, when the same shall be no longer necessary for, or profitable to, or its longer retention be for the best interests of such city or village.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any city or village incorporated under any general or special law of this State, which shall have acquired or hold any real or personal estate for any purpose whatsoever, is hereby authorized and empowered by ordinance passed by three-fourths of the members of the city council of any such city, or of the board of trustees of any such village, at any regular or at any special meeting called for such purpose, to sell such property when the same shall, in the opinion of such majority of such city council or board of trustees, be no longer necessary, appropriate or required for the use of such city or village, or profitable to, or its longer retention be for the best interests of such city or village.

§ 2. Such ordinance shall specify the location of such real or personal estate, and the use thereof, of whatever kind the same may be, and before any sale shall be made under or by virtue of any such ordinance, by the city council of any such city, or the board of trustees of any such village, such ordinance and proposal to sell shall be published in one of its daily or weekly papers for a period of not less than sixty days, and if no paper be published in such city or village, then it shall be published in some paper of general circulation in this State nearest to such city or village. Such notice shall contain an accurate description of such property, the purpose for which it is used, and at what meeting the bids will be considered and opened, and shall advertise for sixty days for bids therefor. All such bids shall be opened only at a regular meeting of such city council or board of trustees, and shall be accepted only upon a vote of three-fourths of the members of such city council or board of trustees: *Provided, however,* that the city council or board of trustees may by a majority vote reject any and all bids.

§ 3. Upon any bid having been accepted and the purchase price duly paid or secured, the mayor and city clerk, or the president of the board of trustees and the clerk of such board, shall have the power to convey such real and personal estate and transfer the same to such party or parties whose bids have been accepted, by proper deed or deeds of conveyance, stating therein the price therefor, with the seal of the corporation.

APPROVED, March 22, 1889.

#### SEWERAGE FUND TAX.

§ 1. Amends section 1 of the act of 1888, by adding the third proviso. | § 2. Emergency.

AN ACT to amend section one (1) of an act entitled "An act in relation to the levy and collection of taxes for sewerage and water works in cities of this State that may have established a system of sewerage and water works for such city, and to repeal an act therein named, and to authorize the cities, villages and incorporated towns of this State to levy and collect taxes to pay for water and light," approved June 21, 1883, in force July 1, 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one of an act entitled "An act in relation to the levy and collection of taxes for sewerage and water works in cities of this State that may have established a system of sewerage and water works for such city, and to repeal an act therein named, and to authorize the cities, villages and incorporated towns of this State to levy and collect taxes to pay for water and light," approved June 21, 1883, in force July 1, 1883, be amended so as to read: That the legislative authority of any city which now has, or may hereafter have established a system of sewerage for such city, shall have power annually to levy and collect a tax upon the taxable real and personal estate of such city, not to exceed one mill on the dollar, for the extension and laying of sewers therein, and the maintenance of such sewers, which tax shall be known as "The Sewerage Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided, however,* that the board of public works of such city, if any, or the head of the sewer department of such city, shall first certify to such legislative authority the amount that will be necessary for such purpose: *Provided, further,* that a two-thirds majority of all the members-elect of the legislative authority of such city may levy a tax for such purposes not to exceed three mills on each

dollar of the taxable property of such city: *And provided*, such "Sewerage Fund Tax" shall not be included, prior to the year 1891, in the aggregate amount of taxes as limited by section one (1) of article eight (8) of "An act for the incorporation of cities and villages," approved April 10, 1872.

§ 2. Whereas, It is necessary for the cities and villages of this State to pass an appropriation bill in the first quarter of the fiscal year thereof, an emergency exists, therefore this act shall be in force from and after its passage.

APPROVED March 22, 1889.

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#### SPECIAL ASSESSMENTS.

- § 1. Amends section 19, article 9, act of 1872, by striking out all reference to des rip-tion by plats, maps, etc., and providing that when the majority of the property owners on any block or street petition for the improvement the council or board shall order it.

*AN ACT to amend section nineteen, article nine, chapter twenty-four of an act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section nineteen (19), of article nine (9), chapter twenty-four (24), of an act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, be amended so as to read as follows:

Section 19. Whenever such local improvements are to be made wholly or in part by special assessment, the said council in cities, or board of trustees in villages, shall pass an ordinance to that effect, specifying therein the nature, character, locality and description of such improvement: *Provided*, that where the owners of a majority of the property in any block abutting on any street, alley, park or public place shall petition the common council in cities, or board of trustees in villages, for any local improvements, it shall be the duty of said council or board of trustees to pass an ordinance for said improvement: *Provided*, that whenever any such ordinance shall provide only for the building or renewing of any sidewalk, the owner of any lot or piece of land fronting on such sidewalk, shall be allowed

fifteen days after the time at which such ordinance shall take effect, in which to build or renew such sidewalk opposite his land, and thereby relieve the same from assessment: *Provided*, that the work so to be done, shall in all respects conform to the requirements of such ordinance.

APPROVED June 1, 1889.

#### STATIONARY ENGINEERS.

§ 1. City councils and boards of trustees authorized to provide for the examination and licensing of engineers in charge of stationary engine, and to provide penalties for a violation thereof.

§ 2. Persons in charge of stationary engines shall submit to such examination, and licenses shall be issued to qualified persons.

#### *AN ACT to insure the better protection of life and property from steam boiler explosions.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the city council in cities, and the president and board of trustees in towns and villages, shall have power to adopt ordinances within their respective limits to provide for the examination, licensing and regulation of persons having charge of steam boilers under steam pressure, exhausting through an engine, to fix the amount, terms and manner of issuing and revoking licenses to such persons; to provide that it shall not be lawful for any person to exercise within the limits of the respective cities, towns and villages, which may adopt such ordinances, the business of operating steam boilers, under steam pressure, exhausting through an engine, without a license; and to provide that any person violating the provisions of such ordinances shall be liable to a penalty for each breach thereof.

§ 2. To require that all persons engaged in such occupation within the jurisdiction of such towns, cities and villages so adopting such ordinances, shall submit to an examination by a competent board of examiners to be appointed by such councils and boards of trustees, touching their competency and qualifications in regard to such vocations, with power to such board of examiners to license such persons as may be found capable and trustworthy in that behalf.

APPROVED June 3, 1889.

## CLAIMS COMMISSION.

## COMMISSION CREATED.

§ 1. Amends sections 1, 2 and 6 of the act of 1887 :

Section 1. Appointment of the commission by the Governor; political complexion; shall be learned in the law; term of office; annual sessions at the Capitol; bailiff and messenger.

Section 2. Rules and regulations for the government of the commission.

Duties of the commission:

1. To hear and determine all unjust claims against the State.
2. To hear and determine all claims for damages to private property taken for public improvement.
- 3 To hear and determine all claims

against any state board of trustees or commissioners.

4. To hear and determine all unjust claims.

5. To examine setoffs, counter claims and claims for damages presented on the part of the State. All claims shall be heard and determined according to the rules of the commission; written statement for the decision filed with each claim; award of claims.

Section 6. Salary of commissioners, bailiff and messenger; duration of session.

§ 2. Act of 1881 repealed.

AN ACT to amend section one, two and six, of an act entitled "An act to create a commission of claims and to prescribe its powers and duties," approved May 29, 1877, in force July 1, 1877, and to repeal the act of May 30, 1881, amendatory thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one, section two and section six, of an act entitled, "An act to create a commission of claims and to prescribe its powers and duties," approved May 29, 1877, in force July 1, 1877, be, and the same are, hereby amended to read as follows:

Section 1. The commission of claims established by the act of the General Assembly, approved May 29, 1877, entitled "An act to create a commission of claims, and to prescribe its powers and duties," shall be continued. It shall consist of three persons, not more than two of whom shall belong to the same political party, learned in the law and experienced in its practice, appointed by the Governor, by and with the advice and consent of the Senate, who shall hold their offices, for the term of four years, from the time of their appointment and until their successors or the successor of either of them shall be appointed. One of the said persons shall be designated in

his appointment as president of the commission of claims, and each of the others as commissioner of claims. Said commission shall hold a session at the Capitol of this State on the first Monday of August, A. D., 1889, and every year thereafter, in a room provided by the Secretary of State, and shall continue their session until the business before them shall be disposed of for such session. The commission of claims may appoint a bailiff and a messenger to attend its sittings.

Section 2. The commission of claims shall have power to make such rules, not inconsistent with or contrary to law, for the government of proceedings before it, as it may deem proper, and shall have the same power to enforce such rules, and to preserve order and decorum in its presence, as is vested by common law or statute of this State in any court of general jurisdiction. And it shall be the duty of said commission to hear and determine the following matters:

First. All unadjusted claims founded upon any law of this State, or upon any contract expressed or implied with the government of this State, and all claims which may be referred to it by either house of the General Assembly.

Second. All claims against the State for the taking or damaging of private property by the State for public purposes in the construction, or for the use of any State institution, river, canal, or other public improvement, which have not been already barred by any statute or law of limitations, or heretofore heard and determined by said commission.

Third. All unadjusted and controverted claims against the board of trustees, or board of directors of any of the public educational, charitable, penal or reformatory institutions of the State, canal commissioners, commissioners for the construction of the State Capitol building, State Board of Education, the military power of the State when called into action for the preservation of the public peace or order, or for instruction in camp, arising out of any contract expressed or implied, or any tort, or for any damages, whether liquidated or unliquidated, or any other claim or demand whatsoever.

Fourth. All other unadjusted claims of whatsoever nature or character against the State of Illinois.

Fifth. All setoffs, counter claims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the State of Illinois, or any board of trustees, directors, or commissioners, or military authority against whom any such claim shall have been presented to such commission. And such commission shall hear such claims according to its rules and established practice, and determine the same according to the principles of equity and justice, except as otherwise provided in the laws of this State, and shall file with the records of each claim determined a brief written statement of the reason of the determination, and in case such commission shall allow all or



any part of such claim, they shall make an award in favor of the claimant, finding the amount due to each claimant, which said award shall be filed and recorded in the office of the Auditor of Public Accounts in a book to be by him kept for that purpose.

Section 6. The commissioners shall receive a salary of fifteen dollars, the bailiff a salary of three dollars, and the messenger a salary of two dollars a day for the number of days actually occupied in the business of the commission: *Provided*, that in no case shall their session continue longer than ninety days in any one year, to be certified by the president of the commission to the Auditor of Public Accounts, and to be audited and paid in the same manner as other public moneys. The Auditor of Public Accounts shall receive no additional compensation for services in claims allowed and recorded, but the commissioners may make such orders as they may deem proper for securing the payment of costs in claims not allowed: *Provided*, no security for costs shall be required in any claim referred to said commission by either house of the General Assembly.

Section 2. An act in regard to the jurisdiction of the commissioners of claims, approved May 30, 1881, in force July 1, 1881, is hereby repealed.

APPROVED June 3, 1889.

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## CORPORATIONS.

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### ASSOCIATIONS NOT FOR PROFIT—POWERS.

§ 1. Amends section 31, act of 1872, by requiring the trustees or directors to make by-laws providing for annual meetings, and for calling special meetings, and the number of members that shall constitute a quorum; members may vote in person or by proxy; amending the by-laws.

Amends section 32, by defining when and where trustees shall be elected unless the same shall be stated in the certificate of incorporation.

AN ACT to amend sections thirty-one and thirty-two of an act entitled "An Act concerning corporations," approved April 18, 1872, and in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections thirty-

one and thirty-two of an act entitled "An Act concerning corporations," approved April 18, 1872, and in force July 1, 1872, be and the same are hereby amended so as to read as follows:

Section 31. Corporations, associations and societies, not for pecuniary profit, formed under this act shall be bodies corporate and politic, by the name stated in such certificate; and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued; may have power to make and enforce contracts in relation to the legitimate business of their corporation, society or association; may have and use a common seal, and may change or alter the same at pleasure, and they and their successors, by their corporate name, shall, in law, be capable of taking, purchasing, holding and disposing of real and personal estate for purposes of their organization; may, by their trustees, directors or managers, make by-laws not inconsistent with the Constitution and laws of the State, or of the United States, which by-laws, among other things, shall prescribe the duties of all officers of the corporation, society or association, and the qualification of members of the corporation, and shall provide for annual meetings of such members, and for the calling of special meetings, when necessary, and for the number of members that shall constitute a quorum for the transaction of business at any such annual or special meetings. At any such meeting members of the corporation may take part and vote in person or by proxy. The by-laws of the corporation, made by the trustees, directors or managers, may be modified, altered or amended at any such annual meeting, or at any adjourned session thereof. Associations and societies which are intended to benefit the widows, orphans, heirs and devisees of deceased members thereof, and members who have received a permanent disability, and where no annual dues or premiums are required, and where the members shall receive no money as profit or otherwise, except for permanent disability, shall not be deemed insurance companies.

Section 32. Corporations, associations and societies, not for pecuniary profit, formed under the provisions of this act, may elect trustees, directors or managers from the members thereof, in such manner, at such times and places, and for such periods as may be provided by the certificate of incorporation, or in case such certificate does not contain such provisions, then as may be provided by the by-laws, which trustees directors or managers shall have the control and management of the affairs and funds of the corporation, society or association. Said trustees, managers or directors may, upon consent of the corporation, society or association, expressed by the vote of a majority of the members thereof, borrow money, to be used solely for purposes of their organization, and may pledge their property therefor. Whenever trustees, managers or directors

shall be elected, a certificate under the seal of the corporation, giving the names of those elected and the term of their office, shall be recorded in the office of the recorder of deeds where the certificate of organization is recorded. Vacancies in the board of trustees, directors or managers, shall be filled in the manner provided by their by-laws, and upon filling any vacancy a like certificate shall be recorded.

APPROVED June 4, 1889.

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POWERS—PRIVATE CHARTERS.

§ 1. Amends section 5 of the act of 1872 by making it apply to corporations existing by virtue of special acts.

AN ACT to amend an act entitled "*An act concerning corporations,*" approved April 18, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section five of an act entitled "*An act concerning corporations,*" approved April 18, 1872, in force July 1, 1872, be, and the same is hereby amended to read as follows:

Section 5. Corporations formed under this act shall be bodies corporate and politic for the period for which they are organized; may sue and be sued; may have a common seal, which they may alter or renew at pleasure; may own, possess and enjoy so much real and personal estate as shall be necessary for the transaction of their business, and may sell and dispose of the same when not required for the uses of the corporation. They may borrow money at legal rates of interest, and pledge their property, both real and personal, to secure the payment thereof, and may have and exercise all the powers necessary and requisite to carry into effect the objects for which they may be formed: *Provided, however,* that all real estate so acquired in satisfaction of any liability or indebtedness, unless the same may be necessary and suitable for the business of such corporation, shall be offered at public auction at least once every year, at the door of the court house of the county wherein the same be situated, or on the premises so to be sold, after giving notice thereof for at least four consecutive weeks in some newspaper of general circulation published in said county; and if there be no such newspaper published therein,

then in the nearest adjacent county where such newspaper is published; and said real estate shall be sold whenever the price offered for it is not less than the claim of such corporation, including all interest, costs and other expenses: *And provided, further*, that in case such corporation shall not, within such period of five years, sell such land either at public or private sale, as aforesaid, it shall be the duty of the State's Attorney to proceed by information in the name of the People of the State of Illinois, against such corporation, in the Circuit Court of the county within which such lands, so neglected to be sold, shall be situated; and such court shall have jurisdiction to hear and determine the fact, and to order the sale of such land or real estate at such time and place, subject to such rules as the court shall establish. The court shall tax, as the fees of the State's Attorney, such sum as shall be reasonable; and the proceeds of such sale, after deducting the said fees and costs of proceedings, shall be paid over to such corporation. The provisions of this section shall apply to and be binding upon all corporations now existing by virtue of any special charter granted by this State.

APPROVED June 5, 1889.

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#### RELIGIOUS SOCIETIES.

- § 1. Amends section 42, act of 1872, by authorizing religious corporations to receive by gift, devise or purchase 20 acres of land for building and burial purposes; but only 10 acres shall be exempt from taxation.

*AN ACT to amend section forty-two (42) of an act entitled "An act concerning corporations," approved April 18, 1872, in force July 1, 1872.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section forty-two (42) of an act entitled "An act concerning corporations," approved April 18, 1872, in force July 1, 1872, be amended so as to read as follows:

Section 42. Any corporation that may be formed for religious purposes under this act, or any law of this State, for the incorporation of religious societies, may receive, by gift, devise or purchase, land not exceeding in quantity twenty (20) acres, and may erect or build thereon such houses, buildings or other improvements as it may deem necessary for the convenience and comfort of such congregation, church or society, and may lay out and maintain thereon a burying ground: *Provided*, that

only ten acres of such land shall be exempt from assessment for taxation, and that all such land in excess of ten acres shall be assessed at the same valuation as if it were not a part of a cemetery; but no such property shall be used except in the manner expressed in the gift, grant or devise, or if no use or trust is so expressed, except for the benefit of the corporation, church or society for which it was intended.

APPROVED June 3, 1879.

#### CHANGING NAMES, PLACES OF BUSINESS, ETC.

§ 1. Amends sections 1, 3, 4 and 7, act of 1873, as amended 1887.

Section 1. Amended by authorizing directors or trustees to "enlarge or change the object for which such corporation was formed," and to limit the number of directors and trustees of corporations for pecuniary profit to not more than eleven.

Section 3. Amended to conform to section 1.

Section. 4. Amended to conform to section 1.

Section 7. Amended to conform to section 1 as amended.

AN ACT *to amend sections one (1), three (3), four (4) and seven (7) of an act entitled, "An Act to provide for changing the names, for changing the places of business, for increasing or decreasing the capital stock, for increasing or decreasing the number of directors, and for the consolidation of incorporated companies," approved and in force March 26, 1873, as amended June 14, 1887, in force July 1, 1887, by providing for enlarging or changing the objects for which such companies were formed; also to amend the title thereof.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections one (1), three (3), four (4) and seven (7) of an act entitled, "An act to provide for changing the names, for changing the places of business, for increasing or decreasing the capital stock, for increasing or decreasing the number of directors, and for the consolidation of incorporated companies," approved and in force March 26, 1873, as amended June 14, 1887, in force July 1, 1887; be amended, and the title thereof be amended to read as follows:*

TITLE.—An act to provide for changing the names, for changing the places of business, for increasing or decreasing the

capital stock, for increasing or decreasing the number of directors, for enlarging or changing the objects for which such corporations were formed and for the consolidation of incorporated companies.

Section 1. That whenever the board of directors, managers or trustees of any corporation existing by virtue of any general or special law of this State, or any corporation hereafter organized by virtue of any law of this State, may desire to change the name, to change the place of business, to enlarge or change the object for which such corporation was formed to increase or decrease the capital stock, to increase or decrease the number of directors, managers or trustees, or to consolidate said corporation with any other corporation now existing, or which may hereafter be organized, they may call a special meeting of the stockholders of such corporation, for the purpose of submitting to a vote of such stockholders the question of such change of name, change of place of business, enlargement or change of the object for which such corporation was formed, increase or decrease of the number of directors, managers or trustees, increase or decrease of capital stock, or consolidation with some other corporation, as the case may be; and further, that eleemosynary or religious corporations for educational purposes, acting under the general law or by virtue of special charter are authorized to change the time and manner of electing the trustees, and to allow the alumni of said corporations to vote in the election of the trustees, or a part thereof: *Provided*, that in changing the name of any other corporation, under the provisions hereof, no name shall be assumed or adopted by any corporation similar to, or liable to be mistaken for the name of any other corporation organized under the laws of this State, without the consent of such other corporation; and that in no case shall the capital stock be diminished to the prejudice of the creditors of such corporation, or the number of directors, managers or trustees be reduced to less than five, or in case of corporations for pecuniary profit, increased to more than eleven: *And, provided, further*, that no corporation shall, by virtue hereof, change its place of business from any town, county or municipality, where such town, county or municipality, or any of the inhabitants thereof, or any person or persons interested therein, shall have donated or in any manner contributed any money or any other valuable thing to induce such corporation to locate in such town, county or municipality: *And, provided, further*, that the provisions of this act, in reference to the consolidation of corporations, shall only apply to corporations of the same kind, and engaged in the same general business, and carrying on their business in the same vicinity, and that no more than two corporations now existing shall be consolidated into one, under the provisions hereof: *And, provided, further*, that no alteration or change shall be made by virtue of this section to embrace any object that

might not have been lawfully embraced in the statement and license issued before the organization of such corporation as provided in section two of an act entitled, "An act concerning corporations," approved April 10, 1872, and in force July 1, 1872.

Section 3. At any such meeting, stockholders may vote in person or by proxy, each stockholder being entitled to one vote for each share of stock held by him; and votes representing two-thirds of all the stock of the corporation shall be necessary for the adoption of the proposed change of name, place of business, enlargement or change of the object for which such corporation was formed, number of directors, managers or trustees, amount of capital stock, or consolidation with some other company.

Section 4. If at any regular annual meeting, or at the time and place specified in said notice of a special meeting called for that purpose, said propositions, or any of them, be submitted to a vote, and if it shall appear that two-thirds of all the votes represented by the whole stock of such corporation are in favor of the propositions or of any of them, so submitted, a certificate thereof, verified by the affidavit of the president, and under seal of said corporation, shall be filed in the office of the Secretary of State, and a like certificate filed for record in the office of the recorder of deeds of the county where the principal business office of such corporation is located. And upon the filing of said certificate, the changes proposed and voted for at such meeting as to name, place of business, enlargement or change of the object for which such corporation was formed, increase or decrease of capital stock, increase or decrease of the number of directors, managers or trustees, or consolidation with some other company, shall be, and is hereby declared accomplished in accordance with said vote of the stockholders: *And, provided, further*, that any corporation, other than corporations for manufacturing purposes, availing itself of or accepting the benefits of, or formed under this act, (except the mere change of name), shall be subject to the general laws of this State now in force, or which may hereafter be passed, regulating corporations of like character.

Section 7. Such change of name, place of business, enlargement or change of object for which such corporation was formed, increase or decrease of capital stock, or increase or decrease of number of directors, managers or trustees, or consolidation of one corporation with another, shall not affect suits pending in which such corporation or corporations shall be parties, nor shall such changes effect causes of action, nor the rights of persons in any particular; nor shall suits brought against such corporation by its former name be abated for that cause.

APPROVED June 6, 1889.

## BUILDING, LOAN AND HOMESTEAD ASSOCIATIONS.

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| § 1. Release of mortgages and trust-deeds<br>by the president and secretary. | § 2. Effect of such releases. |
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*AN ACT to enable Building and Loan Associations to release mortgages and trust deeds.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cases where associations have been formed in this State under "An act to enable associations of persons to become a body corporate to raise funds to be loaned only among the members of such association," in force July 1, 1879; and said associations have taken bonds, and trust deeds made to third persons conveying real estate to said third persons as trustees, as security for the payment of said bonds; and when it becomes necessary for any such trust deed to be released, and said trustee shall refuse to make such release, or he shall be absent from the town, city or county where such real estate is located, then it shall be lawful for the president or secretary of such associations, on being requested so to do by the board of directors of such associations, to act in the capacity of alternate trustee, fully authorized and empowered to release all claim, right, title and interest his association has in and to the real estate described in the trust deed to be released.

§ 2. All releases of trust deeds made in accordance with the foregoing section shall be held and esteemed as of the same value and significance as if they had been made and executed by the person named as trustee in said trust deeds.

APPROVED June 3, 1889.

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SERVICE OF PROCESS ON RECEIVERS.

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| § 1. Amends the act of 1887 by adding the words after the word "receivers" where it occurs the last time in the act. | § 2. Emergency. |
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*AN ACT to amend an act entitled "An act in regard to the serving of process on receivers of corporations," approved June 3, 1887, in force July 1, 1887.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled



"An act in regard to the serving of process on receivers of corporations," approved June 3, 1887, in force July 1, 1887, be, and the same is hereby amended to read as follows:

Section 1. That the receiver or receivers of any incorporated company may be served with process by leaving a copy of such process with such receiver or receivers, if he or they can be found in the county in which the suit is brought; if he or they shall not be found in the county, then by leaving a copy of such process with any clerk, secretary, superintendent, general agent, engineer, conductor, station agent, or any agent in the employ of such receiver or receivers who may be found in the county in which such suit is brought.

§ 2. Whereas, an emergency exists, this act shall be in force from and after its passage.

APPROVED May 3, 1889.

#### TRUST COMPANIES.

§ 1. Amends Sec's. 1, 2, 6 and 16 of the act of 1887.

SECTION 1. Amended by including "guardian."

SECTION 2. Amended by including "guardian" and "conservator;" execution of trusts relating to estates; bonds of individuals acting as trustees, etc., reduction of.

SECTION 6. Amended by adding the proviso providing for the increase of deposits.

SECTION 16. Amended by correcting a clerical error.

AN ACT to amend sections 1, 2, 6 and 16 of an act entitled "An act to provide for and regulate the administration of trusts by trust companies," approved June 15, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections one (1), two (2), six (6) and sixteen (16) of an act entitled "An act to provide for and regulate the administration of trusts by trust companies," approved June 15, 1887, in force July 1, 1887, be amended so as to read as follows:

SECTION 1. That any corporation which has or shall be incorporated under the general incorporation laws of this State, being an act entitled "An act concerning corporations," and all amendments thereof, for the purpose of accepting and executing trusts, and any corporation now or hereafter authorized by law

to accept or execute trusts, may be appointed assignee or trustee by deed, and executor, guardian or trustee by will, and such appointment shall be of like force as in case of appointment of a natural person.

Section 2. Whenever application shall be made to any court in this State for the appointment of any receiver, assignee, guardian, conservator, executor, administrator or other trustee, it shall be lawful for such court to appoint any such corporation as such trustee, receiver, assignee, guardian, conservator, executor or administrator: *Provided*, any such appointment as guardian or conservator shall apply to the estate only, and not to the person.

Any court having appointed and having jurisdiction of any receiver, executor, administrator, conservator guardian, assignee or other trustee, upon the application of such officer or trustee, or upon the application of any person having an interest in the estate administered by such officer or trustee, after such notice to the other parties in interest as the court may direct, and after a hearing upon such application, may order such officer or trustee to deposit any moneys then in his hands, or which may come into his hands thereafter, and until the further order of said court, with any such corporation, and upon deposit of such money, and its receipt and acceptance by such corporation, the said officer or trustee shall be discharged from further care or responsibility therefor. Such deposits shall be paid out only upon the orders of said court.

Whenever, in the judgment of any court having jurisdiction of any estate in process of administration by an assignee, receiver, executor, administrator, guardian, conservator or other trustee, the bond required by law of such officer shall seem burdensome or excessive, upon application of such officer or trustee, and after such notice to the parties in interest as the court shall direct, and after a hearing on such application, the said court may order the said officer or trustee to deposit with any such corporation, for safe keeping, such portion or all of the personal assets of said estate as it shall deem proper and thereupon said court shall, by an order of record, reduce the bond to be given, or theretofore given by such officer or trustee, so as to cover only the estate remaining in the hands of said officer or trustee, and the property as deposited shall thereupon be held by said corporation under the orders and directions of said court.

Section 6. Each company, before accepting any such appointment or deposit, shall deposit with the Auditor of Public Accounts for the benefit of the creditors of said company, the sum of \$200,000 in stocks of the United States, or municipal bonds of this State, or in mortgages on improved and productive real estate in this State, being first liens thereon, and the real estate being worth at least twice the amount loaned thereon. The stocks and

securities so deposited may be exchanged from time to time for other securities, receivable as aforesaid. Said stocks of the United States or municipal bonds of this State, to be registered in the name of said Auditor officially, and all said securities to be subject to sale and transfer, and to the disposal of the proceeds by said Auditor, only on the order of a court of competent jurisdiction, and as hereinafter provided in section 18. So long as the company so depositing shall continue solvent, such company shall be permitted to receive from said Auditor the interest or dividends on said deposit: *Provided, however,* that when it shall appear to the Auditor of Public Accounts, from the annual report of any such company, that the value of the personal property and cash held and possessed by such company by virtue of the provisions of this act and any amendment thereof, exceeds ten times the amount of the deposit aforesaid, he shall require said company to forthwith increase its said deposit to the sum of five hundred thousand dollars in such securities. And whenever it shall appear to the Auditor of Public Accounts that the amount of personal property and cash so held by any such company has been reduced below ten times the value of its original deposit above provided for, and said company is not in any default in its duties and obligations hereunder, he shall allow such company to reduce its said deposit to the sum of two hundred thousand dollars by the withdrawal of such additional deposit until such time as an increase in its holdings shall again require an additional deposit, as hereinbefore provided.

Section 16. The said Auditor shall cause a proper abstract of the statements of assets and liabilities reported under section nine of this act, to be published once in each week for three consecutive weeks, in two newspapers of general circulation, the one printed in the city of Springfield, and the other in the county seat of the county wherein the principal office of the respective company is located, such publication to be paid for by said company.

APPROVED June 1, 1889.

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COURTS, APPELLATE.  

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## TEMPORARY ASSIGNMENT OF JUDGES.

§ 1. Adds section 19; judges incapacitated by sickness or otherwise may be substituted for by a temporary assignment; consent of judge or judges assigned.

AN ACT to amend "*An act to establish Appellate Courts,*" approved June 2, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That "*An act to establish Appellate Courts,*" approved June 2, 1877, be amended by adding thereto a section numbered nineteen:

Section 19. Whenever one or more of the judges of any Appellate Court shall notify the Chief Justice of the Supreme court of the State that one or more of the judges of such Appellate court is temporarily incapacitated, from sickness or otherwise, to sit as a judge of such Appellate court, such Chief Justice of the Supreme court of the State shall designate some other judge or judges of any circuit court of the State, or of the Superior court of Cook county, to sit in such Appellate court and act as one of its judges until the disability of such absent judge shall cease, and the acts of such judge so designated, and of the Appellate court in which he shall sit, shall be as valid and binding as if he had been regularly and permanently appointed as judge of such Appellate court: *Provided*, that such designation or assignment shall not be made without the consent of the judge or judges designated or assigned.

APPROVED June 3, 1889.  

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## COURTS, CIRCUIT.

## TERMS FIXED—6TH CIRCUIT.

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| § 1. Amends section 7 of the act of 1887,<br>by changing the terms of court in<br>the sixth circuit. | § 2. Emergency. |
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AN ACT to amend section seven of an act entitled, "An act concerning circuit courts, and to fix the time of holding the same in the several counties in the judicial circuits in the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, as amended by an act approved June 3, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section seven of an act entitled, "An act concerning circuit courts, and to fix the time of holding the same in the several counties in the judicial circuits in the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, as amended by an act approved June 3, 1887, in force July 1, 1887, be, and the same is hereby amended so as to read as follows:

Section 7. In the county of Adams, on the third Monday in January and fourth Monday of March, and on the third Monday of May, and on the third Monday of June, and third Monday of September, and on the fourth Monday of October. In the county of Hancock on the first Mondays of March, June and October. In the county of McDonough on the first Tuesday of February, the second Tuesday of May, and the second Tuesday of September: *Provided*, That the May term shall be devoted exclusively to the trial of chancery causes, and to the trial or transaction of any business in civil and criminal cases not requiring a jury, and no jury shall be impaneled for said May term. In the county of Brown on the fourth Tuesday in February and the first Tuesday in October. In the county of Fulton on the second Tuesday of March, the third Tuesday of August and the first Tuesday of December. In the county of Pike on the first Tuesday of April and the first Tuesday of November. In the county of Schuyler on the fourth Tuesday in April and the third Tuesday in October.

§ 2. Whereas, an emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED February 15, 1889.

## COURTS, CITY.

## HOW ESTABLISHED.

§ 1. Amends section 21, act of 1874, by providing for abolishing courts and for the disposition of cases in said courts.

AN ACT to amend section 21 of an act entitled "*An act in relation to courts of record in cities,*" approved March 26, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 21 of an act entitled "*An act in relation to courts of record in cities,*" approved March 26, 1874, and in force July 1, 1874, be amended so as to read as follows:

Section 21. A city court consisting of one or more judges, not exceeding five, and not exceeding one judge for every fifty thousand inhabitants, may be organized and established under this act in any city which contains at least three thousand inhabitants, whenever the common or city council shall adopt an ordinance or resolution to submit the question whether such court shall be established consisting of one or more judges, not exceeding five, as may be specified in such ordinance or resolution, to the qualified voters of such city, and two-thirds of the votes cast at such election shall be in favor of the establishment of such court. Where such court is established with more than one judge, each judge may hold a separate branch thereof at the same time, and when holding such separate branch, each judge may exercise all the powers vested in such courts, such elections shall be held and conducted, the returns thereof made and canvassed, and the result declared in the same manner as other city elections. To discontinue and disestablish any such court, precisely the same modes of procedure shall be requisite and necessary and be resorted to as for the organization of such court. In the event of the discontinuance and disestablishment of any such court, the clerk thereof shall transfer and deliver to the circuit court of the county in which such city court is situated, all records, judgments and processes in possession of himself or of any other officer of said city court, and the circuit court shall thereupon acquire and be vested with jurisdiction in the matters to which said records, judgments or process relate, and may be dealt with as original records of such circuit court: *Provided*, it shall be lawful for the city

council in any city where a city court has been established under this act, and there is no judge or clerk of such court residing within such city, and such court has ceased to do business for two years or more, to pass an ordinance or resolution abolishing such court and authorize the city clerk of such city to transfer and deliver the records, judgments and process of such court to the circuit court of the county in which such city is situated in like manner and with like effect as if such had been transferred by the clerk of such city court.

APPROVED June 5, 1889.

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## COURTS, COUNTY.

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### TERMS—CLARK COUNTY.

§ 1. Amends section 20, act of 1874, by changing the terms of court in Clark county.

AN ACT to amend section 20 of an act entitled "*An act to extend the jurisdiction of county courts and to regulate the practice thereof, to fix the time for holding the same, and to repeal an act therein named,*" approved June 23, 1883, in force July 1, 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section twenty of an act entitled "*An act to extend the jurisdiction of county courts and to regulate the practice thereof, to fix the time for holding the same, and to repeal an act therein named,*" approved June 23, 1883, in force July 1, 1883, be and the same is hereby amended so as to read as follows:

Section 20. Clark—Second Monday in January, first Monday in June, and first Monday in September.

APPROVED June 3, 1889.

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## TERMS—LIVINGSTON COUNTY.

§ 1. Amends section 61, act of 1874, by changing terms in Livingston county.

AN ACT to amend section 61 of an act entitled "*An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named,*" approved March 26, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section sixty-one (61) of an act entitled "*An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named,*" approved March 26, 1874, in force July 1, 1874, be and the same is hereby amended so as to read as follows:

Section 61. Livingston—On the first Monday in March, June, September and December.

APPROVED May 28, 1889.

## TERMS—LOGAN COUNTY.

§ 1. Amends section 62, act of 1874, by changing the terms of the county court of Logan county.

AN ACT to amend section 62 of an act entitled "*An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding same, and to repeal an act therein named,*" approved March 26, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 62 of an act entitled "*An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding same, and to repeal an act therein named,*" approved March 26, 1874, in force July 1, 1874, be so amended as to read as follows:

Section 62. Logan—March and November.

APPROVED May 10, 1889.



## TERMS—STEPHENSON COUNTY.

§ 1. Amends section 96, act of 1874, changing the terms in Stephenson county.

AN ACT to amend an act entitled "*An act to amend section ninety-six (96), of an act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named,*" approved March 26, 1874, in force July 1, 1874, as amended by an act approved June 15, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section ninety-six (96) of an act entitled "*An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time of holding the same, and to repeal an act therein named,*" approved March 26, 1874, in force July 1, 1874, as amended by an act approved June 15, 1887, in force July 1, 1887, be so amended as to read as follows:

Section 96. Stephenson—On the first Monday of February, May and October.

§ 2. For the reason that a term of said court intervenes between this time and the first day of July next, an emergency exists, and therefore this act shall be in force from and after its passage.

APPROVED March 29, 1889.

## COURT, SUPREME.

## TERMS CHANGED.

§ 1. Amends section 1, act of 1879, by changing the terms in the Southern and Northern Grand Divisions.

AN ACT to amend section 1 of an an act entitled "*An act to fix the time of holding the Supreme Court,*" approved June 4, 1879, in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one

(1) of "An act to fix the time of holding the Supreme court," approved June 4, 1879, in force July 1, 1879, be and the same is hereby amended so as to read as follows:

Section 1. The terms of the Supreme court shall be begun and held at the several places provided for holding the same as follows:

In the Southern Grand Division, at Mt. Vernon, on the first Tuesday in May and the third Tuesday in November of each year.

In the Central Grand Division, at the city of Springfield, on the first Tuesday of January and the first Tuesday of June of each year.

In the Northern Grand Division, at Ottawa, on the first Tuesday of March and the first Tuesday of October of each year.

APPROVED June 3, 1889.

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## COUNTIES.

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### MEETINGS OF COMMISSIONERS.

§ 1. Amends section 43 by designating the time for regular meetings of the Board of County Commissioners.

AN ACT to amend section forty-three of an act entitled "An act to revise the law in relation to counties," approved and in force March 31, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section forty-three (43) of an act entitled "An act to revise the law in relation to counties," approved and in force March 31, 1874, be and the same is amended so as to read as follows, to-wit:

Section 43. The board of county commissioners shall hold regular sessions for the transaction of the business of the county on the third Mondays of December, March, June and September, the second Monday of July of each year, and at such other times as may be provided by law, and may hold special sessions on the call of the chairman or any two members of said board, whenever the business of the county requires it.

APPROVED June 1, 1889.

## SUPERVISORS, TERM OF OFFICE.

§ 1. Term of office; how classed.

§ 3. Repeals all acts in conflict.

§ 2. New towns; consolidated towns.

AN ACT to provide for the election of supervisors in counties under township organization (except in the county of Cook), to fix their terms of office, and to classify them in the county boards according to their terms.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the supervisors elected at the annual town meetings, in their respective towns in the counties now under township organization, on the first Tuesday of April, 1890, (except in the county of Cook) and in counties which may hereafter adopt township organization, the supervisors elected at the first annual town meetings in such counties thereafter, shall, at the first regular or special meeting of the county boards of such counties thereafter, be divided into two classes, to consist of one-half of the members of such board, as near as may be. The supervisors so to be classified to be selected by lot: *Provided*, that the supervisors of any town having a representation of two or more members shall be separately selected and classified by lot so as to be divided among the two classes as near equally as may be. The first class of supervisors shall serve for the period of one year, and the second class for the period of two years, or until their successors are elected and qualified: *Provided*, that where such county board is constituted of odd numbers, the smaller fraction of such board shall constitute such second class, and thereafter at the expiration of the term of each supervisor his successor shall be elected and serve in such county board for the term of two years, or until his successor shall have been duly elected and qualified, in the manner now provided by law.

§ 2. When a new town shall be created in, or added to, any county, which is now or may hereafter be under township organization (except in the county of Cook) or any town in such county shall become entitled to additional representation in the county board thereof, such additional member or members shall be classified by lot in such manner as to maintain the numerical equality of each class as near as may be (having regard to the provisions of section one of this act), and thereafter the successors of such supervisors shall be elected for the term of two years or until their successors are duly elected and qualified: *Provided*, that where a new town is created by the union of two or more towns, the terms of the supervisors of the towns so united shall expire at the next annual town meetings thereafter, and the supervisor or supervisors of such consolidated

town shall be elected at said town meeting and classified in the county board to serve for the term and in the manner herein provided in the case of new towns.

§ 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED June 4, 1889.

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## CRIMINAL CODE.

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### ABDUCTION OF CHILDREN.

§ 1. Amends the act of 1874 by adding a section, 166½; abduction or concealment of an infant under 12 years; penalties.

AN ACT to amend an act entitled "*An act to revise the law in relation to criminal jurisprudence,*" approved March 27, 1874, in force July 1, 1874, by adding a section to be numbered one hundred and sixty-six and one-half.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874, be amended by adding a section, to be numbered one hundred and sixty-six and one-half:

Section 166½. Whoever willfully and without authority forcibly takes or carries or entices away any infant under the age of twelve years, without the consent of the parent, guardian or lawful custodian of such child, with intent to conceal or imprison such infant, or whoever willfully and without authority, conceals or imprisons an infant under the age of twelve years, without the consent of the parent or guardian or lawful custodian of such infant, shall, upon conviction, be imprisoned in the penitentiary for his or her natural life, or for any number of years.

APPROVED June 3, 1889.

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## ADULTERATED LARD.

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| § 1. "Compound lard" or "lard compound" must be so labeled. | § 3. State's Attorneys charged with the execution of this act; fines and penalties, to whom paid. |
| § 2. Penalties for violating this act.                      |   |

AN ACT entitled "*An act to prevent fraud in the sale of lard, and to provide punishment for the violation thereof.*"

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no manufacturer or other person or persons shall sell, deliver, prepare, put up, expose or offer for sale any lard or any article intended for use as lard, which contains any ingredient but the pure fat of healthy swine, in any tierce, bucket, pail, package or other vessel or wrapper or under any label bearing the words "pure, refined, family," or either of said words alone or in combination with other words of like meaning or import, unless every tierce, bucket, pail, package or other vessel, wrapper or label, in or under which said article is sold, delivered, prepared, put up, exposed, or offered for sale bears on the top or outer side thereof in letters not less than one-half inch in length and plainly exposed to view the words "Compound Lard," or "Lard Compound."

§ 2. Any person who violates any provision hereof shall be deemed guilty of a misdemeanor for each violation, and, upon conviction thereof, shall be fined for the first offense not less than twenty dollars (\$20) nor more than fifty dollars (\$50), and every subsequent offense under this act shall be fined not less than seventy-five dollars (\$75) nor more than two hundred dollars (\$200).

§ 3. The State's Attorneys of this State are charged with the enforcement of this act, and it is hereby made their duty to appear for the People, and to attend to the prosecution of all complaints under this act in their respective counties in all courts. Fifty per cent. of the amount received in any penal action, under the provisions of this act, shall go to the county superintendent of schools in the county where the said fine is assessed, to be distributed by him as other school funds of such county, and fifty per cent. of the fine shall be given to the informer."

APPROVED June 3, 1889.

## PROSTITUTION OF FEMALES.

§ 1. Amends section 3, act of 1887, by striking out the words "of chaste life and conversation."

AN ACT to amend section three (3) of an act entitled "An act to prevent the prostitution of females," approved June 17, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section three (3) of an act entitled "An act to prevent the prostitution of females," approved June 17, 1887, in force July 1, 1887, be and the same is hereby amended so as to read as follows:

"Section 3. Whoever being the keeper of a house of prostitution or assignation house, building or premises in this State where prostitution, fornication or concubinage is allowed or practiced, shall suffer or permit any unmarried female under the age of eighteen years to live, board, stop or room in such house, building or premises, shall, on conviction, be imprisoned in the penitentiary not less than one year nor more than five years."

APPROVED June 3, 1889.

## HABITUAL CRIMINALS.

§ 1. Register of criminals; description recorded; criminal history; photograph.

public except as may be necessary to identify criminals, and to be used in evidence.

§ 2. Prosecuting attorneys shall furnish to prison wardens criminal history of convicted criminals.

§ 4. Methods of measurements and registration.

§ 3. Prison registers shall not be made

§ 5. Copies of description and history to wardens in other States.

## AN ACT for the identification of habitual criminals.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in every prison in this State to which persons convicted of any felonious offense are or may be committed by the courts of this State, the warden or other officer in charge shall record, or cause to be recorded, in a register to be kept for that purpose, a description of every person committed to such prison under sentence for a felony; and also the criminal history of every such person

so committed, so far as the same may appear from the records of the courts of this State, or of any other State, or otherwise, as full and complete as may be obtainable: and shall attach thereto a photograph or photographs of such person so recorded.

§ 2. That for the purpose mentioned in section one (1) of this act, the prosecuting attorney of the county in which a criminal has been convicted and sentenced to prison for a felony, shall forward to the warden, or other officer in charge, at the request of such warden or other officer, and upon blanks furnished by him, a criminal history of such criminal, as fully as is known or can be ascertained by such prosecuting attorney.

§ 3. The register herein provided for shall not be made public, except as may be necessary in the identification of persons accused of crime, and in their trial for offenses committed after having been imprisoned for a prior offense. The record shall be accessible, however, to any officer of any court having criminal jurisdiction in this State, upon the order of the judge of the court, or of the prosecuting attorney of the county in which the person is being held for a crime, which said order shall be attested by the seal of the court; and such record may be given in evidence upon any trial of an offender indicted under the habitual criminal law of this State, for the purpose of proving a former conviction or convictions and the offense or offenses for which convicted.

§ 4. For the purpose of obtaining accurate descriptions of convicts, the wardens, or other officers in charge, of the several prisons in this State, are hereby authorized to adopt the Bertillon method of measurements and registration, or such other method as shall minutely describe convicts.

§ 5. A copy of the description and of the history, and of the photograph or photographs of any convict entered upon such register, shall be furnished, upon request of any warden or other officer in charge of a prison for felons in any other State of the United States to such warden or other officer in charge: *Provided*, such State has made provision by law for recording the description of its convicts and for furnishing such descriptions to the authorities of such other States as have made provision by law for the keeping of registers of descriptions and histories of their convicts.

APPROVED April 15, 1889.

## OBSCENE AND IMMORAL NEWSPAPERS.

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| <p>§ 1. Prohibits the showing, selling or giving to any minor child any book, magazine or newspaper principally devoted to the publication of police court reports, criminal news, etc.</p> | <p>§ 2. Prohibits the public exhibition of such publications.</p> <p>§ 3. Prohibits the employment of any minor child to sell, give away or distribute such publications; penalties.</p> |
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*AN ACT to suppress selling, lending, giving away or showing to any minor child any paper or publication principally devoted to illustrating or describing immoral deeds.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That it shall be unlawful for any person to sell, lend, give away or show, or have in his possession with intent to sell or give away, or to show, or advertise, or otherwise offer for loan, gift or distribution to any minor child any book, pamphlet, magazine, newspaper, story paper or other printed paper devoted to the publication, or principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of deeds of bloodshed, lust or crime.

§ 2. It shall be unlawful to exhibit upon any street or highway, or in any place within the view, or which may be within the view of any minor child, any book, magazine, newspaper, pamphlet, story paper or other paper or publication coming within the description of matters mentioned in the first section of this act, or any of them.

§ 3. It shall be unlawful to hire, use or employ any minor child to sell or give away, or in any manner to distribute, or who, having the care, custody or control of any minor child, to permit such child to sell, give away, or in any manner to distribute any book, magazine, pamphlet, newspaper, story paper or publication coming within the description of matters mentioned in the first section of this act, and any person violating any of the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined in any sum not exceeding five hundred dollars, or imprisoned in the county jail of the county where the offense has been committed, not to exceed six months, or both fine and imprisonment, at the discretion of the court.

APPROVED June 3, 1889.

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## PROOF IN CRIMINAL CASES.

§ 1. In criminal cases "user" shall be *prima facie* evidence of the legal existence of a corporation.

*AN ACT to regulate proof in criminal cases.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all criminal prosecutions involving proof of the legal existence of a corporation, user shall be *prima facie* evidence of such existence.

APPROVED June 3, 1889.

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REMOVAL OF BEARINGS OR FIXTURES FROM RAILROAD ROLLING STOCK.

§11. Felonious removal of bearings, fixtures, etc., from railroad rolling stock, penalties; plea of guilty, penalties; causing losing of life, penalty.

*AN ACT to punish the crime of stealing or malicious removal of journal bearings, fixtures or attachments, from locomotives, tenders, freight or passenger cars.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any person or persons who shall remove, take, steal, change, add to, take from, or in any manner interfere with any journal bearings or brasses, or any of the parts or attachments of any locomotive, tender or car, or any fixture or attachment belonging to, connected with, or used in operating any locomotive, tender or car, owned, leased or used by any railway or transportation company in this State, shall be subject to punishment by imprisonment in the penitentiary not less than one nor more than five years, in the discretion of the court or jury before whom the cause is tried: *Provided*, that upon a plea of guilty being entered, the court may fix the penalty prescribed herein: *Provided, further*, that if the removal of such journal bearings or brasses, fixtures or attachments as aforesaid, shall be the cause of wrecking any train, locomotive or other car, in this State, whereby the life or lives of any person or persons shall be lost, as a result of the felonious or malicious stealing, inter-

fering with, or removal of the fixtures aforesaid, the person or persons found guilty thereof shall be liable for murder as in other cases.

APPROVED June 1, 1889.

## DRAINAGE.

### DITCHES CONSTRUCTED BY MUTUAL AGREEMENT.

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| <p>§ 1. Connections made with drains constructed by agreement; such drains shall be constructed as for the benefit of all lands benefited.</p> <p>§ 2. Connections can only be made with the consent of all parties interested.</p> | <p>§ 3. Drains so constructed shall not be filled up or obstructed without consent of all parties.</p> <p>§ 4. Reserved rights of litigants; limitations.</p> |
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*AN ACT declaring legal drains heretofore or hereafter constructed by mutual license, consent or agreement, by adjacent or adjoining owners of land, and to limit the time within which such license or agreement heretofore granted may be withdrawn.*

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That whenever any ditch or drain, either open or covered, has been heretofore or shall be hereafter constructed by mutual license, consent or agreement of the owner or owners of adjoining or adjacent lands, either separately or jointly, so as to make a continuous line upon, over or across the lands of said several owners, or where the owner or owners of adjoining or adjacent lands shall hereafter by mutual license, consent or agreement, be permitted to connect a drain with another already so constructed, or where the owner or owners of the lower lands has heretofore or shall hereafter connect a drain to a drain constructed by the owner or owners of the upper lands, then such drains shall be held to be a drain for the mutual benefit of all the lands so interested therein.

§ 2. It shall not be lawful for either of the parties interested in said drain to authorize any other person or persons to connect therewith without the consent of all the parties interested in said drain, and all drains connecting therewith without such

permission shall be unlawful, and any person interested, may by bill in chancery, compel the person or persons constructing such unlawful drain to fill the same up and in addition may have a right of action for all damages occasioned thereby.

§ 3. Whenever drains have been or shall be constructed in accordance with this act none of the parties interested therein shall, without the consent of all the parties, fill the same up or in any manner interfere with the same so as to obstruct the flow of water therein; and the license, consent or agreement of the parties herein mentioned, need not be in writing but shall be as valid and binding if in parol as if in writing, and may be inferred from the acquiescence of the parties in the construction of such drain.

§ 4. This act shall not be held to apply to any cause now pending in any court of this State, nor deprive any party of the right he may have under existing laws to revoke any parol license heretofore granted to construct any such drain upon, across or over his lands: *Provided*, such right be exercised and suit commenced to enforce the same within one year from the time this act takes effect, but if not thus exercised and suit brought within one year he shall be forever barred from there-after revoking such license.

APPROVED June 4, 1889.

#### DISSOLUTION OF DISTRICTS.

§ 1. County Courts may dissolve districts; petition of  $\frac{4}{5}$  of the land owners in the district; notice of petition; water ways and improvements in dissolved district, shall remain for the common use.

§ 2. Sale of property belonging to dissolved districts.

*AN ACT to provide for the dissolution of drainage districts.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any drainage district may be dissolved by the order of the county court of the county wherein the same is organized, upon a hearing had on a verified petition praying such dissolution. signed by not less than four-fifths of the adult land owners of such district, who own in the aggregate not less than three-fourths in area of the assessed lands thereof, when it shall be determined by the court

that not less than six weeks notice of such hearing has been given by posting notices in six of the most public places of the district sought to be dissolved, and by the insertion in a weekly newspaper of such county for six successive weeks next prior to such hearing, and that no indebtedness of such district exists and the costs of dissolution have been advanced: *Provided*, the water-ways and other improvements of dissolved districts shall be and remain for the common use of and improvements by the land owners of said district so dissolved.

Section 2. If such dissolved district owns any property, either real or personal, it shall be sold by an order of the county court directed to the master in chancery of said county, whose duty it shall be to advertise and sell such property in manner otherwise provided by law; and the proceeds of such sale after the costs are paid, shall be turned over to the county treasurer, who shall use the same to pay any indebtedness of such dissolved district.

APPROVED June 4, 1889.

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#### FARM DRAINAGE.

§ 1. Amends section 42, act of 1885, by striking out the words "have or" in lines 10 and 11, and requiring that it shall only require the petition of "area to be added" for the enlargement of districts.

*AN ACT to amend section 42 of an act entitled "An act to provide for drainage for agricultural and sanitary purposes, and to repeal certain acts therein named," approved June 27, 1885, in force July 1, 1885.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 42 of an act entitled "An act to provide for drainage for agricultural and sanitary purposes, and to repeal certain acts therein named," approved June 27, 1885, in force July 1, 1885, be amended so as to read as follows:

Section 42. Nothing in this act shall be construed to forbid land owners within the district to more completely drain their lands by using the common drains as outlets to lateral drains; and the owners of land outside the drainage districts or another drainage district may connect with the ditches of the district already made, by the payment of such amount as they would have been assessed if originally included in the dis-

trict; or if such connection shall, by increase of water, require an enlargement of the district ditches, then the outside owners of land so connecting, or other drainage district, as may be, shall pay the costs of such enlargement. If individual land owners outside the district shall so connect, they shall be deemed to have voluntarily applied to be included in the district, and their lands benefited by such drainage shall be treated, classified, and taxed like other lands within the district. Drainage commissioners may, at any time, enlarge the boundaries of their districts by attaching new areas of land, which are involved in the same system of drainage, and require for outlets the drains of the district made or proposed to be made, as the case may be, on petition of as great a proportion of the land owners of the area to be added as is required for an original district. All changes thus made in the district shall be duly noted and shown upon the map and recorded in the drainage record. The commissioners shall proceed to classify the lands thus added to the district, and such lands shall be classified and assessed or taxed with their fair proportion of the costs of the work done or to be done in like manner, and upon the same basis as it would have been made had the new area been included in the district at its organization.

APPROVED June 3, 1889.

#### FARM DRAINAGE.

§ 1. Amends the act of 1885, by adding section 47½.

Section 47½. Dissolution of drainage districts; proceedings.

AN ACT for an act to amend an act entitled, "An act to provide for drainage for agricultural and sanitary purposes, and to repeal certain acts therein named," approved June 27, 1885, in force July 1, 1885.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act to amend an act entitled "An act to provide for drainage for agricultural and sanitary purposes, and to repeal certain acts therein named," approved June 27, 1885, in force July 1, 1885, be and the same is hereby amended by adding thereto after section forty-seven (47) thereof, a section to be numbered forty-seven and one-half (47½) which shall read as follows:

Section 47½. Whenever two-thirds of the owners of lands, owning not less than two-thirds of all the lands within any

drainage district organized under this act, and lying wholly within the limits of a single township, shall present a petition in writing subscribed by them to the drainage commissioners of said district, asking that the organization of such district be dissolved, the said commissioners shall, after satisfying themselves that such petition is in due form and subscribed by the requisite number of land owners in such district, and that all indebtedness of such district is paid, or funds provided for the payment thereof and that there is no litigation pending against such district, indorse upon such petition an order dissolving such district; which petition with such endorsement shall forthwith be filed with the town clerk of the township in which such district is situated, and by him recorded in the drainage record of such township, and thereupon such organization shall be dissolved; but such dissolution shall not prevent said commissioners from proceeding as before to collect any unpaid assessments, or other obligations owing to such district, or expending for the use of said district any funds belonging to the same and shall not impair or prevent the collection of any obligation of said district. *And, provided,* that if at any time, not less than one year after the dissolution of the organization of any district as herein provided, a like number of land owners within such district shall, by petition subscribed by them, ask the said commissioners to restore the organization of such district as it was before such dissolution, the commissioners shall, after satisfying themselves that such petition is in due form and subscribed by the requisite number of land owners within such district, endorse upon such petition an order restoring such organization, which shall be recorded and forthwith filed with the town clerk, and recorded by him in the drainage record, and thereafter the organization of such district shall be in all respects the same as if it had not been dissolved; *Provided,* that nothing herein contained shall be construed to permit any person to obstruct, or in any wise prevent the use or proper working of any ditch or drain established in any such district, or the enforcement of the penalties for injuring drains.

APPROVED June 3, 1889.

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## LEVEES.

§ 1. Amends section 38, act of 1879, as amended 1885, by inserting the proviso in line 18 after the stop following the word "bonds," and said proviso ending with the word "advisable," in the 28th line.

AN ACT to amend section 38 of an act entitled "*An act to revise and amend an act and certain sections thereof, entitled, an act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts,*" approved and in force May 29, 1879, as amended by certain acts herein entitled, and to repeal certain laws therein named, approved June 30, 1885.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section thirty-eight of an act entitled, "An act to revise and amend an act and certain sections thereof entitled, An act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts, approved and in force May 29, 1879, as amended by certain acts herein entitled, and to repeal certain laws therein named," approved June 30, 1885, be and the same is hereby so amended to read as follows:*

Section 38. The commissioners may borrow money not exceeding ninety per cent. of the amount of assessment unpaid at the time of borrowing, for the construction of any work which they shall be authorized to construct, or for the payment of any indebtedness they may have lawfully incurred under the provisions of this act, or to the act to which this is an amendment, and may secure the same by notes or bonds, bearing interest at the rate of not exceeding six per cent. per annum, and not running beyond one year after the last assessment or installment of assessment on account of which the money is borrowed shall fall due, which notes or bonds shall not be held to make the commissioners personally liable for money borrowed, but shall constitute a lien upon the assessment for the repayment of the principal and interest thereof; or such bonds may be issued to the amount of ninety per cent. of any one installment, and constitute a lien upon such installment alone, falling due within one year after such installment becomes due, such installment shall be particularly designated in such bonds: *Provided*, were the payment of any installment or installments of any assessment has been deferred in pursuance of section twenty-six of this act, and the court shall find on the petition of the commissioners that it will be for the interests of the

district that money should be borrowed to an amount exceeding ninety per cent. of such installment or installments, the court on due hearing may, by order entered of record, authorize the borrowing of money to such an amount in excess of ninety per cent of such installment or installments as the court may find to be advisable. And the county court may, on the petition of the commissioners, authorize them to refund any lawful indebtedness of the district authorized by and created under this act, or the act to which this is an amendment, by taking up and cancelling all outstanding notes and bonds of such district issued under this act or the act to which this act is an amendment, as fast as they become due, or before they shall become due, if the holders thereof will surrender the same, and to issue in lieu thereof, new notes or bonds of such district, payable on such longer time as the commissioners shall think proper, not to exceed in the aggregate the amount of all notes and bonds of such district then outstanding, and the unpaid accrued interest thereon, and the court shall have power, on the petition of the commissioners, to order that the collection of any one or more, or all of the installments of the assessments for benefits on account of which the money was borrowed, be postponed to such time as the court may consider proper and reasonable, when the same shall become due and payable, and such installment or installments, so postponed, shall bear interest until they shall become due, at the rate of eight (8) per cent. per annum, unless otherwise ordered by the court, but after they become due they shall bear interest at the rate of eight per cent. per annum: *Provided*, that such bonds and notes shall be made due and payable within one year after the last installment of the assessment postponed, as aforesaid, shall become due. The court shall have the power to make all needful orders to carry into effect the provisions of this act, and no irregularity in the proceedings, either before or after the organization of the district or in the assessment of benefits, or in the extension of time for the payment of the same, shall in any manner affect the validity of the bonds or coupons issued in pursuance of this act.

APPROVED June 4, 1889.

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## LEVEES.

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| <p>§ 1. Amends section 57 of the act of 1879, as amended 1885, by authorizing the widening and improving the channel of any natural waterway beyond the limit of the drainage district; damages; petition.</p> | <p>§ 2. Emergency.</p> |
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AN ACT to amend section fifty-seven of an act entitled "An act to revise and amend an act, and certain sections thereof, entitled An act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879, as amended by certain acts herein entitled, and to repeal certain laws therein named, approved June 30, 1885, in force July 1, 1885.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section fifty-seven of an act entitled an An act to revise and amend an act, and certain sections thereof, entitled An act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts, approved and in force May 29, 1879, as amended by certain acts herein entitled, and to repeal certain laws therein named," approved June 30, 1885, in force July 1, 1885, be and the same is hereby amended so as to read as follows, to-wit:

Section 57. The word ditch, when used in this act, shall be held to include any drain or watercourse, and the petition for any drainage district shall be held to mean and include any side, lateral, spur or branch, ditch, drain, open, covered, tiled, or any natural watercourse into which such drains or ditches may enter for the purpose of outlet, whether such watercourse is situated in or outside of the district. And to secure complete drainage of the lands within any drainage district, the commissioners are hereby vested with full power to widen, straighten, deepen or enlarge any such watercourse, or remove any drift-wood, or rubbish therefrom, whether such watercourse is situated in, outside of, or below any drainage district; and when it is necessary to straighten such natural watercourse by the cutting of a new channel upon other lands, the value of such lands to be occupied by such new channel, and damages, if any, made by such work, may be ascertained and paid in the manner that is now or may hereafter be provided by any law providing for the

exercise of the right of eminent domain in force in this State. The expenses of the work provided for in this section shall be paid from moneys arising from assessments upon lands within the district: *Provided* that the commissioners shall not have power to incur any expense for work done outside of the drainage district until twenty-five per cent. of the persons paying assessments in said district shall have petitioned them so to do.

§ 2. Whereas, much work of the kind mentioned in this act may be immediately accomplished; therefore, an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED June 3, 1889.

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#### LEVEES.

§ 1. Drainage commissioners may contract with railroad companies to construct and keep in repair levees, and to authorize railroads to occupy levees for right of way.

*AN ACT to enable the commissioners of drainage districts to contract with railroad companies to construct or keep in repair any levee or levees now constructed or to be hereafter constructed in such districts, and to grant to such railroad companies a right of way over, on, along or across such levees.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the commissioners of all drainage districts which have been heretofore or may be hereafter legally organized under and by virtue of any and all laws of this State, shall, by and with the consent and approval of the county court of the county wherein the greater part of any such district may lie, have, in addition to the powers now conferred upon such commissioners, the legal right and power, to contract with any legally organized railroad company or companies to construct or keep in repair, or to construct and keep in repair the whole or any portion of any levee or levees now constructed or which may hereafter be constructed in any such district, upon such terms as shall be for the best interests of such district; and for such purpose said commissioners shall have the power to pledge or pay to such railroad company or companies the whole or any portion of the revenues of such district; and for such purpose the said

commissioners shall have the further power to grant to such railroad company or companies the right of way for the construction and operation of a railroad or railroads, over, on, along or across such levee or levees.

APPROVED June 5, 1889.

## DRAINAGE AND SEWERAGE.

### SANITARY DISTRICTS.

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| <p>§ 1. Two or more incorporated cities, towns or villages may be organized into a sanitary district for drainage purposes; petition of 5,000 resident citizens to the county judge to submit the question to vote; petition shall be considered by the county judge and two judges of the circuit court as commissioners to fix the boundaries; the question shall then be submitted in November next following; notice of election; election, canvass of vote and return; record shall be made in the county court; result of vote.</p> <p>§ 2. Courts shall take judicial notice of districts; election of officers.</p> <p>§ 3. Trustees, election of; officers, election of after first election; election of president of trustees; corporate powers.</p> <p>§ 4. Trustees, powers and duties; officers of the board of trustees; duties and compensation of officers; limitation of salaries; ordinances, rules and regulations.</p> <p>§ 5. Appropriation ordinances, publication; when ordinances shall take effect.</p> <p>§ 6. Ordinances and resolutions, how proven.</p> <p>§ 7. Board of trustees may lay out, establish and construct, channels, drains, etc., may establish docks on any navigable channel, lease, manage and control the same; to control and dispose of water power; control of channels and outlets.</p> | <p>§ 8. Right of way, how acquired.</p> <p>§ 9. Corporations under this act may borrow money and issue bonds; limitation.</p> <p>§ 10. Taxation to pay principal and interest of indebtedness.</p> <p>§ 11. Work let by contract; notice of letting contracts; aliens shall not be employed, unless they have declared their intention to become citizens; 8 hours shall be a legal day's work.</p> <p>§ 12. Taxes levied by the board of trustees; limitation.</p> <p>§ 13. Taxation by special or general assessment; manner of assessing and collecting taxes.</p> <p>§ 14. Assessments may be levied by installments; proceedings.</p> <p>§ 15. Bonds may be used in anticipation of taxes due on installments.</p> <p>§ 16. Right of way, damages to private property, compensation; right of eminent domain; preferred claims.</p> <p>§ 17. Right of way, damages to public property; proceedings; use of Illinois and Michigan canal.</p> <p>§ 18. Expenses of acquiring right of way and condemning property.</p> <p>§ 19. Damages to lands on account of overflow; notice of suit; compromise.</p> <p>§ 20. Dilution of sewage; capacity of channel; sewage shall be free of dead animals and other solids, when discharged into natural water courses.</p> |
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| <p>§ 21. Prosecutions for violation of the preceding section.</p> <p>§ 22. The right reserved to the State to repeal or modify this act.</p> <p>§ 23. Capacity of channel from Lake Michigan to the DesPlaines and Illinois rivers; velocity of current; increase in population of sanitary districts; corresponding increase of capacity of the channel; removal of obstructions in DesPlaines and Illinois rivers.</p> <p>§ 24. Channel when completed declared to be a navigable stream.</p> | <p>§ 25. Use of channel by territory outside of districts for drainage and sewerage; terms and conditions; capacity of channel shall correspond to the increased population.</p> <p>§ 26. Water supplies, how and upon what terms furnished.</p> <p>§ 27. Completion of channel, appointment of commissioners by the Governor to inspect; meeting of the commissioners; examination and report to the Governor; defects in construction, proceedings; compensation of commission and engineer; construction of channels under this act.</p> |
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*AN ACT to create sanitary districts, and to remove obstructions in the Des Plaines and Illinois rivers.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any area of contiguous territory within the limits of a single county shall contain two or more incorporated cities, towns or villages, and shall be so situated that the maintenance of a common outlet for the drainage thereof will conduce to the preservation of the public health, the same may be incorporated as a sanitary district under this act, in the manner following: Any 5,000 legal voters resident within the limits of such proposed sanitary district may petition the county judge of the county in which they reside, to cause the question to be submitted to the legal voters of such proposed district whether they will organize as a sanitary district under this act. Such petition shall be addressed to the county judge, and shall contain a definite description of the territory intended to be embraced in such district, and the name of such proposed sanitary district: *Provided, however,* that no territory shall be included in any municipal corporation formed hereunder which is not situated within the limits of a city, incorporated town or village, or within three miles thereof, and no territory shall be included within more than one sanitary district under this act. Upon the filing of such petition in the office of the county clerk of the county in which such territory is situated, it shall be the duty of the county judge to call to his assistance two judges of the circuit court, and such judges shall constitute a board of commissioners which shall have power and authority to consider the boundaries of any such proposed sanitary district, whether the same shall be described in such petition or otherwise. Notice shall be given by such county judge of the time and place where such commissioners will meet, by a publication inserted in one or more daily papers published in such county at least twenty days prior to such meeting. At such meeting, the county judge shall preside,

and all persons in such proposed sanitary district shall have an opportunity to be heard touching the location and boundary of such proposed district and make suggestions regarding the same, and such commissioners, after hearing statements, evidence and suggestions, shall fix and determine the limits and boundaries of such proposed district, and for that purpose and to that extent, may alter and amend such petition. After such determination by said commissioners, or a majority of them, the county judge shall submit to the legal voters of the proposed sanitary district the question of the organization and establishment of the proposed sanitary district, as determined by said commissioners at an election to be held on the first Tuesday after the first Monday in November thence next ensuing, notice whereof shall be given by said commissioners, at least twenty days prior thereto, by publication in one or more daily papers published within such proposed sanitary district, such notice to specify briefly the purpose of such election, with a description of such proposed district. Each legal voter resident within such proposed sanitary district shall have the right to cast a ballot at such election, with the words thereon, "For Sanitary District," or, "Against Sanitary District." The ballots so cast shall be received, returned and canvassed in the same manner and by the same officers as is provided by law in the case of ballots cast for county officers. The county judge shall cause a statement of the result of such election to be spread upon the records of the county court. If a majority of the votes cast upon the question of the incorporation of the proposed sanitary district shall be in favor of the proposed sanitary district, such proposed district shall thenceforth be deemed an organized sanitary district under this act.

§ 2. All courts in this State shall take judicial notice of the existence of all sanitary districts organized under this act. Upon the organization of any sanitary district under this act, the county judge shall call an election to elect officers, and cause notice thereof to be posted or published, and perform all other acts in reference to such election in like manner as nearly as may be as he is required to perform in reference to the election of officers in newly organized cities under the provisions of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872.

§ 3. In each sanitary district organized under this act, there shall be elected nine trustees who shall hold their offices for five years, and until their successors are elected and qualified, except the term of office of the first trustees elected, shall be until five years after the first Monday in December after their election. The election of trustees, after the first, shall be on the Tuesday next after the first Monday in November, in every fifth year. In all elections for trustees, each qualified voter may vote for as many candidates as there are trustees to be elected, or he

may distribute his vote among not less than five-ninths of the candidates to be elected, giving to each of the candidates among whom he distributes the same, the same number of votes or fractional parts of votes. The trustees shall choose one of their number president, and such sanitary district shall, from the time of the first election held by it under this act, be construed in law and equity a body corporate and politic and by the name and style of the sanitary district of . . . . ., and by such name and style may sue and be sued, contract and be contracted with, acquire and hold real estate and personal property necessary for corporate purposes, and adopt a common seal and alter the same at pleasure.

§ 4. The trustees elected in pursuance of the foregoing provisions of this act shall constitute a board of trustees for the district by which they are elected, which board of trustees is hereby declared to be the corporate authorities of such sanitary district, and shall exercise all the powers and manage and control all the affairs and property of such district. Said board of trustees shall have the right to elect a clerk, treasurer, chief engineer and attorney for such municipality, who shall hold their respective offices during the pleasure of the board, and who shall give such bond as may be required by said board. Said board may prescribe the duties and fix the compensation of all the officers and employes of said sanitary district: *Provided, however,* that the salary of the president of said board of trustees shall in no case exceed the sum of four thousand dollars per annum; and the salary of the other members of said board shall not exceed three thousand dollars per annum: *And, provided further,* that the amount received by any attorney shall not exceed the sum of five thousand dollars (\$5,000) per annum. Said board of trustees shall have full power to pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of said board of trustees and of said corporation and for carrying into effect the objects for which such sanitary district is formed.

§ 5. All ordinances making any appropriations shall, within one month after they have passed, be published at least once in a newspaper published in such district, or if no such newspaper of general circulation is published therein, by posting copies of the same in three public places in the district; and no such ordinance shall take effect until ten days after it is so published, and all other ordinances, orders and resolutions, shall take effect from and after their passage unless otherwise provided therein.

§ 6. All ordinances, orders and resolutions, and the date of publication thereof may be proven by the certificate of the clerk, under the seal of the corporation, and when printed in book or pamphlet form, and purporting to be published by the

board of trustees, and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, orders and resolution, as of the dates mentioned in such book or pamphlet, in all courts and places without further proof.

§ 7. The board of trustees of any sanitary district organized under this act shall have power to provide for the drainage of such district by laying out, establishing, constructing and maintaining one or more main channels, drains, ditches and outlets for carrying off and disposing of the drainage (including the sewage) of such district, together with such adjuncts and additions thereto as may be necessary or proper to cause such channels or outlets to accomplish the end for which they are designed in a satisfactory manner; also to make and establish docks adjacent to any navigable channel made under the provisions hereof for drainage purposes, and to lease, manage and control such docks, and also to control and dispose of any water-power which may be incidentally created in the construction and use of said channels or outlets, but in no case shall said board have any power to control water after it passes beyond its channel, waterways, races or structures into a river or natural waterway or channel, or water-power, or docks, situated on such river or natural waterway or channel: *Provided however*, nothing in this act shall be construed to abridge or prevent the State from hereafter requiring a portion of the funds derived from such water power, dockage or wharfage to be paid into the State Treasury to be used for State purposes. Such channels or outlets may extend outside the territory included within such sanitary district, and the rights and powers of said board of trustees over the portion of such channel or outlet lying outside of such district shall be the same as those vested in said board over that portion of such channels or outlets within the said district.

§ 8. Such sanitary district may acquire, by purchase, condemnation, or otherwise, any and all real and personal property, right of way and privilege, either within or without its corporate limits that may be required for its corporate purposes: *Provided*, all moneys for the purchase and condemnation of any property, shall be paid before possession is taken, or any work done on the premises damaged by the construction of such channel or outlet, and in case of an appeal from the county court taken by either party, whereby the amount of damages is not finally determined, the amount of judgment in such court shall be deposited at some bank, to be designated by the judge thereof, subject to the payment of such damages on orders signed by such county judge, whenever the amount of damages is finally determined; and, when not longer required for such purposes, to sell, convey, vacate and release the same, subject to the reservation contained in section 7, relating to water-powers and docks.

§ 9. The corporation may borrow money for corporate purposes, and may issue bonds therefor, but shall not become indebted, in any manner or for any purpose, to an amount in the aggregate to exceed five per centum on the valuation of taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness: *Provided, however*, that said five per centum shall not exceed the sum of fifteen million dollars (\$15,000,000).

§ 10. At the time or before incurring any indebtedness, the board of trustees shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof as the same shall fall due, and at least within twenty years from the time of contracting the same: *Provided*, that the net earnings from water-power and docks may be appropriated and applied to the purpose of paying the interest or principal of such indebtedness or both, and to the extent that they will suffice, the direct tax may be remitted.

§ 11. All contracts for work to be done by such municipality, the expense of which will exceed five hundred dollars, shall be let to the lowest responsible bidder therefor, upon not less than sixty days public notice of the terms and conditions upon which the contract is to be let having been given by publication in a newspaper of general circulation published in said district, and the said board shall have the power and authority to reject any and all bids, and re-advertise. *Provided*, no person shall be employed on said work unless he be a citizen of the United States or has in good faith declared his intentions to become such citizen. In all cases where an alien, after filing his declaration of intention to become a citizen of the United States shall for the space of three months after he could lawfully do so, fail to take out his final papers and complete his citizenship, such failure shall be *prima facie* evidence that his declaration of intentions was not made in good faith, and that eight hours shall constitute a day's work.

§ 12. The board of trustees may levy and collect taxes for corporate purposes upon property within the territorial limits of such sanitary district, the aggregate amount of which in any one year shall not exceed one-half of one per centum of the value of the taxable property within the corporate limits, as the same shall be assessed and equalized for state and county taxes of the year in which the levy is made. Said board shall cause the amount required to be raised by taxation in each year to be certified by the county clerk, on or before the second Tuesday in August, provided in section one hundred and twenty-two of the general revenue law. All taxes so levied and certified shall be collected and enforced in the same manner and by the same officers as state and county taxes, and shall be paid



over by the officer collecting the same to the treasurer of the sanitary district, in the manner and at the time provided by the general revenue law.

§ 13. The board of trustees shall have power to defray the expenses of any improvement made by it in the execution of the powers hereby granted to such incorporation, by special assessment, or by general taxation, or partly by special assessment and partly by general taxation as they shall by ordinance prescribe. It shall constitute no objection to any special assessment that the improvement for which the same is levied is partly outside the limits of such incorporation, but no special assessment shall be made upon property situated outside of such sanitary district, and in no case shall any property be assessed more than it will be benefited by the improvement for which the assessment is levied. The proceedings for making, levying, collecting and enforcing of any special assessment levied hereunder shall be the same as nearly as may be as is prescribed by article nine of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872. Whenever in said act the words "city council" are used, the same shall apply to the board of trustees constituted by this act, and the words applying to the city or its officers in that article shall be held to apply to the corporation hereby created and to its officers.

§ 14. When any assessment is made under this act, the ordinance authorizing such assessment may provide that it be divided into equal annual installments, not more than twenty in number, and fix the amount and time of payment of each installment, and that the installment shall bear interest at a rate not exceeding six per cent. per annum, payable annually, from the date fixed in said ordinance, and the several installments and interest thereon may be collected and enforced, as they shall become due, in the manner provided for the enforcement of assessments under said article 9. No more of any assessment need be returned or certified to the county collector than will show the amount due and unpaid at the time of such return, and no sale of any parcel of land for any installment of an assessment shall discharge the premises from any subsequent installment of the same or any other assessment. Any one or all of the installments may be paid any time after the assessment is confirmed, with accrued interest, if any, to the date of payment.

§ 15. Where any assessment is made payable in installments, the board of trustees may issue bonds or certificates not exceeding in amount eighty per centum of the unpaid portion of such assessment at the date of the issue thereof, payable only out of such assessment, and bearing interest at a rate not exceeding the rate of interest upon the installments of such assessments. The board of trustees shall have the right to call in

and pay off said bonds or certificates as fast as there is money received into the treasury from the assessment against which the same are issued, and all moneys received upon such assessment shall be applied to the payment of said certificates or bonds until they are fully satisfied.

§ 16. Whenever the board of trustees of any sanitary district shall pass an ordinance for the making of any improvement which such district is authorized to make, the making of which will require that private property should be taken or damaged, such district may cause compensation therefor to be ascertained, and condemn and acquire possession thereof in the same manner, as nearly as may be, as is provided in an act entitled "An act to provide for the exercise of the right of eminent domain," approved April 10, 1872: *Provided, however*, that proceedings to ascertain the compensation to be paid for taking or damaging private property shall, in all cases, be instituted in the county where the property sought to be taken or damaged is situated: *And, provided*, that all damages to property, whether determined by agreement or by final judgment of court, shall be paid out of the annual district tax prior to the payment of any other debt or obligation.

§ 17. When it shall be necessary in making any improvements which any district is authorized by this act to make, to enter upon any public property or property held for public use, such district shall have the power so to do, and may acquire the necessary right of way over such property held for public use in the same manner as is above provided for acquiring private property, and may enter upon, use, widen, deepen and improve any navigable or other waters, waterways, canal or lake: *Provided*, the public use thereof shall not be unnecessarily interrupted or interfered with, and that the same shall be restored to its former usefulness as soon as practicable: *Provided, however*, that no such district shall occupy any portion of the Illinois and Michigan canal outside of the limits of the county in which such district is situated, for the site of any such improvement, except to cross the same, and then only in such a way as not to impair the usefulness of said canal or to the injury of the right of the State therein, and only under the direction and supervision of the Canal Commissioners: *And, provided, further*, that no district shall be required to make any compensation for the use of so much of said canal as lies within the limits of the county in which said district is situated, except for transportation purposes.

§ 18. In making any special assessment for any improvement which requires the taking or damaging of property, the cost of acquiring the right to damage or take such property may be estimated and included in the assessment as a part of the cost of making such improvement.

§ 19. Every sanitary district shall be liable for all damages to real estate within or without such district which shall be overflowed or otherwise damaged by reason of the construction, enlargement or use of any channel, ditch, drain, outlet or other improvement under the provisions of this act: and actions to recover such damages may be brought in the county where such real estate is situate, or in the county where such sanitary district is located, at the option of the party claiming to be injured. And in case judgment is rendered against such district for damage the plaintiff shall also recover his reasonable attorney's fees, to be taxed as costs of suit: *Provided, however,* it shall appear on the trial that the plaintiff notified the trustees of such district, in writing, at least 60 days before suit was commenced by leaving a copy of such notice with some one of the trustees of such district stating that he claims damages to the amount of ..... dollars, by reason of (here insert the cause of damage) and intends to sue for the same: *And provided, further,* that the amount recovered shall be larger than the amount offered by said trustees (if anything) as a compromise for damages sustained.

§ 20. Any channel or outlet constructed under the provisions of this act, which shall cause the discharge of sewage into or through any river or stream of water beyond or without the limits of the district constructing the same, shall be of sufficient size and capacity to produce a continuous flow of water of at least two hundred cubic feet per minute for each one thousand of the population of the district drained thereby, and the same shall be kept and maintained of such size and in such condition that the water thereof shall be neither offensive or injurious to the health of any of the people of this State, and before any sewage shall be discharged into such channel or outlet all garbage, dead animals, and parts thereof, and other solids shall be taken therefrom.

§ 21. In case any sanitary district in this State formed under the provisions of this act shall introduce sewage into any river or stream of water, or natural or artificial watercourse, beyond or without the limits of such district, without conforming to the provisions of this act or having introduced such sewage into such watercourse, shall fail to comply with any of the provisions of this act, an action to enforce compliance shall be brought by the Attorney General of this State, in the courts of any county wherein such watercourse is situate, or he may authorize the State's Attorney of any such county to commence and prosecute such action in any such county: *Provided,* that nothing in this section contained shall be construed to prevent the prosecution of any action or proceeding by individuals or bodies corporate or politic against such district.

§ 22. Nothing in this act contained shall be so construed as to constitute a contract or grant between the state of Illinois and any sanitary district formed under its provisions, or to prevent, debar or deprive the state of Illinois from, at any time in the future, altering, amending or repealing this act, or imposing any conditions, restrictions, or requirements other, different or additional to any herein contained upon any sanitary district which may be formed hereunder.

§ 23. If any channel is constructed under the provisions hereof by means of which any of the waters of Lake Michigan shall be caused to pass into the Des Plaines or Illinois rivers such channel shall be constructed of sufficient size and capacity to produce and maintain at all times a continuous flow of not less than 300,000 cubic feet of water per minute, and to be of a depth of not less than fourteen feet, and a current not exceeding three miles per hour, and if any portion of any such channel shall be cut through a territory with a rocky stratum where such rocky stratum is above a grade sufficient to produce a depth of water from Lake Michigan of not less than eighteen feet, such portion of said channel shall have double the flowing capacity above provided for, and a width of not less than one hundred and sixty feet at the bottom capable of producing a depth of not less than eighteen feet of water. If the population of the district drained into such channel shall at any time exceed 1,500,000, such channel shall be made and kept of such size and in such condition that it will produce and maintain at all times a continuous flow of not less than 20,000 cubic feet of water per minute for each 100,000 of the population of such district, at a current of not more than three miles per hour, and if at any time the general government shall improve the Des Plaines or Illinois rivers, so that the same shall be capable of receiving a flow of 600,000 cubic feet of water per minute, or more, from said channel, and shall provide for the payment of all damages which any extra flow above 300,000 cubic feet of water per minute from such channel may cause to private property so as to save harmless the said district from all liability therefrom, then such sanitary district shall within one year thereafter, enlarge the entire channel leading into said Des Plaines and Illinois rivers from said district to a sufficient size and capacity to produce and maintain a continuous flow throughout the same of not less than 600,000 cubic feet of water per minute with a current of not more than three miles per hour, and such channel shall be constructed upon such grade as to be capable of producing a depth of water not less than eighteen feet throughout said channel, and shall have a width of not less than one hundred and sixty feet at the bottom. In case a channel is constructed in the Des Plaines river as contemplated in this section it shall be carried down the slope between Lockport and Joliet to the pool commonly known as the upper

basin, of sufficient width and depth to carry off the water the channel shall bring down from above. The district constructing a channel to carry water from Lake Michigan of any amount authorized by this act may correct, modify and remove obstructions in the Des Plaines and Illinois rivers wherever it shall be necessary so to do to prevent overflow or damage along said river, and shall remove the dams at Henry and Copperas Creek in the Illinois river, before any water shall be turned into the said channel.

And the Canal Commissioners, if they shall find at any time that an additional supply of water has been added to either of said rivers, by any drainage district or districts, to maintain a depth of not less than six feet from any dam owned by the State to and into the first lock of the Illinois and Michigan Canal at LaSalle, without the aid of any such dam, at low water, then it shall be the duty of said Canal Commissioners to cause such dam or dams to be removed. This act shall not be construed to authorize the injury or destruction of existing water-power rights.

§ 24. When such channel shall be completed, and the water turned therein, to the amount of three hundred thousand cubic feet of water per minute, the same is hereby declared a navigable stream, and whenever the general government shall improve the Des Plaines and Illinois rivers, for navigation, to connect with this channel, said general government shall have full control over the same for navigation purposes, but not to interfere with its control for sanitary or drainage purposes.

§ 25. Any district formed hereunder shall have the right to permit territory lying outside its limits and within the same county to drain into and use any channel or drain made by it, upon such payments, terms and conditions as may be mutually agreed upon, and any district formed hereunder is hereby given full power and authority to contract for the right to use any drain or channel which may be made by any other sanitary district, upon such terms as may be mutually agreed upon, and to raise the money called for by any such contract in the same way and to the same extent as such district is authorized to raise money for any other corporate purposes: *Provided*, that where the united flow of any sanitary districts thus co-operating shall pass into any channel constructed within the limits of the county wherein such districts are located and which passes into the Des Plaines or Illinois rivers, such united flow shall in no case and at no time be less than 20,000 cubic feet of water per minute for each one hundred thousand of the aggregate of the population of the districts co-operating: *Provided*, nothing in this act shall in any wise be so construed as to diminish, impair or remove any right or rights of any city, village, township or corporation, body politic or indi-

vidual situated on the Des Plaines or Illinois rivers or their tributaries within the valleys of the same to use the channel for drainage or otherwise not inconsistent with the rights of the district constructing the same as expressed in this act.

§ 26. Whenever in any such sanitary district there shall be a city, incorporated town or village, which owns a system of waterworks and supplies water from a lake or other source which will be saved and preserved from sewage pollution, by the construction of the main channel, drain, ditch, or outlet herein provided for; and the turning of the sewage, of such city and district therein, and there shall be in such sanitary district, any territory bordering on any such city, incorporated town or village, within the limits of another city, incorporated town or village, which does not own any system of waterworks, at the time of the creation of such sanitary district, then upon application by the corporate authorities of such latter named city, incorporated town or village, the corporate authorities of such city, incorporated town or village, having such system of waterworks shall furnish water at the boundary line between such municipalities by means of its waterworks to the corporate authorities asking for the same in such quantities as may be required to supply consumers within said territory, at no greater price or charge than it charges and collects of consumers within its limits for water furnished through meters in like large quantities.

§ 27. If any channel shall be constructed under the provisions of section 23 of this act, it shall be the duty of the trustees of such district, when such channel shall be completed, and before any water or sewage shall be admitted therein, to duly notify in writing, the Governor of this State of such fact; and the Governor shall thereupon appoint three discreet persons as commissioners, one of whom shall be a resident of the city of Joliet, or between said city and the city of LaSalle, and one a resident of the city of LaSalle, or between said city and the city of Peoria, and one a resident of the city of Peoria, or between said city and the mouth of the Illinois river, to inspect said work. The said commissioners shall, within ten days after such appointment, meet at the city of Chicago, and shall appoint a competent civil engineer, and they may employ such other assistance as they may require to expeditiously perform their duties. The said commission shall take as their datum line for the survey, the datum established by the Illinois and Michigan canal trustees in 1847, and shall make such examination and surveys of Chicago river and of the channel or channels authorized by this act as shall enable them to ascertain whether said channel is of the character and capacity required by this act. And in case they shall find the work in all respects in accordance with the provisions of section 23 of this

act, they shall so certify to the Governor, who shall thereupon authorize the water and sewage to be let into said channel. But in case said commissioners shall find said channel is not constructed in accordance with the provisions of this act, it shall be their duty to file in any court of competent jurisdiction, on the chancery side thereof, in their name as such commissioners, a bill against said corporation, which bill shall set forth wherein said work is deficient and fails to comply with the provisions of this act; and said court shall thereupon issue an injunction without bond against said defendant, enjoining and restraining it from admitting water or sewage into said channel until the final order of the court. And in case said court, upon hearing, shall determine that said channel is not constructed in accordance with the provisions of this act, said injunction shall be continued until the provisions of this act shall have been fully complied with.

Such commissioners and engineer shall receive for their services ten dollars per day each, and their reasonable expenses and outlays for the time by them necessarily employed in the discharge of their duties, which shall be paid to them from the State treasury; and the said sanitary district shall reimburse the State for all expenses and disbursements on account of said commission.

If any channel is constructed under the provisions of this act, which shall discharge the sewage of a population of more than 300,000 into or through any river beyond or without the limits of the district constructing it, the same shall be constructed in accordance with the provisions of section 23 of this act, and if any such channel receives its supply of water from any river or channel connecting with Lake Michigan, it shall be construed as receiving its supply of water from Lake Michigan.

APPROVED May 29, 1889.

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EDUCATIONAL INSTITUTIONS.  

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## COLLEGES AND UNIVERSITIES.

§ 1. Occupation of public grounds, vacated for that purpose, by colleges and universities.

*AN ACT to authorize universities and colleges to control and use certain vacated public grounds for the objects for which said institutions were incorporated.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That when parks, squares or other public grounds have been legally vacated by ordinance of any municipality, and any university or college in this State, incorporated in pursuance of the laws thereof has been thereby authorized to erect buildings for educational purposes on such vacated grounds, with a limitation in the ordinance of vacation that said grounds, and the buildings erected thereon, shall be used for the education of one sex, or in any other particular and limited manner, and such university or college shall have erected buildings on such vacated grounds, and when the municipality which passed the ordinance of vacation has, by subsequent ordinance, modified or repealed the limitation in such ordinance, or has, by ordinance, or conveyance of such vacated ground to such university or college estopped itself from insisting upon such limitation, such estoppel shall be valid against the general public, to the same extent as against said municipality; and it shall be lawful for such university or college to use and control such grounds for any purpose authorized by its act of incorporation or by such subsequent ordinance or conveyance in as full and ample a manner as other grounds held by such university or college for the objects for which the same was incorporated.

APPROVED June 3, 1889.

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## TRUSTEES.

- § 1. Amends section 1, act 1875, by authorizing the election of non-resident trustees; at least three trustees shall be residents; no institution of learning shall be removed from the State, except by unanimous consent of the trustees.

AN ACT to amend section one of an act entitled "An act to enable non-residents of this State to hold the office of trustee in colleges, universities and other institutions of learning not under the control of officers of this State," approved April 2, 1875, in force July 1, 1875, and to provide for the number of trustees in such colleges, universities and other institutions of learning who must be residents of this State.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one of an act entitled "An act to enable non-residents of this State to hold the office of trustee in colleges, universities, and other institutions of learning not under the control of officers of this State," approved April 2, 1875: in force July 1, 1875, be and the same is hereby amended to read as follows, to-wit:

Section 1. That in all colleges, universities and other institutions of learning, in the state of Illinois, not placed under the control of the officers of this State, whether organized under any general or special law, non-residents of this State shall be eligible to the office of trustee: *Provided*, that at least three members of the board of trustees of any such institution of learning shall be residents of this State: *Provided, further*, that no institution of learning in this State shall be removed from this State unless by unanimous vote of the board of trustees.

APPROVED April 22, 1889.

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## ELECTIONS.

## PRIMARY.

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| <p>§ 1. Elections for nominating candidates shall be held under this act when managing committees accept its provisions.</p> <p>§ 2. Acceptance of this act by committees.</p> <p>§ 3. Committee shall fix time and place of elections; opening and closing of the polls; judges and clerks of elections, how selected; judges and clerks ineligible as delegates or proxies for delegates.</p> <p>§ 4. Notice of elections; judges and clerks shall be named in said notice: form of notice.</p> <p>§ 5. Judges and clerks, oath of office; duties; penalties for violation of this section.</p> <p>§ 6. Qualification of voters at primary elections; registry of voters in cities having election commissioners; violation of this section, penalties.</p> <p>§ 7. Primary election districts; election of delegates or representatives.</p> <p>§ 8. Challenge of voters; examination by the judges as to qualifications; swearing in votes; violation of this section, penalties.</p> <p>§ 9. Offenses and penalties under this act, defined.</p> <p>§ 10. Qualifications other than those named in this act not required; challengers; poll lists.</p> | <p>§ 11. Poll and tally lists, form of.</p> <p>§ 12. Judges may administer oaths.</p> <p>§ 13. Ballots; printed ballot, size and description.</p> <p>§ 14. Ballot box must be opened and exhibited at the opening of the polls and before any votes are received.</p> <p>§ 15. Opening of the polls, proclamation.</p> <p>§ 16. Closing of the polls, proclamation.</p> <p>§ 17. Canvass of the votes; proclamation of the result of the ballot.</p> <p>§ 18. Canvass, how conducted.</p> <p>§ 19. Certificates of the judges as to the correctness of the tally lists of voters; form of certificate.</p> <p>§ 20. Counting the ballots.</p> <p>§ 21. Tally lists of votes for each person voted for.</p> <p>§ 22. Certificates by the judges as to the result of the election; form of certificate.</p> <p>§ 23. Deposit of the poll and tally lists, tally sheets and ballots with the secretary of the political committee and one of the judges of the election; secretary shall deposit the lists left with him with the county clerk.</p> <p>§ 24. Certificates by judges to successful candidates for nomination.</p> <p>§ 25. Penalties under this act not otherwise specified.</p> <p>§ 26. Repeals the act of 1885.</p> |
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*AN ACT to regulate primary elections of voluntary political associations, and to punish frauds therein.*

**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all elections hereafter to be holden by any voluntary political association or party, for any candidate for any office, or for any delegates or managing committee, or for the nomination of candidates for public office, shall be held under the provisions of this act, whenever any committee or body authorized by the rules or customs of such political association shall elect to accept and act under such provisions.

§ 2. Whenever it shall be the desire of any such committee or body that such election shall be held under the provisions of this act, such desire and acceptance shall be expressed by a resolution duly passed by such committee or body, which resolution shall state that such election will be held under the provisions of this act under the title of "Primary Election Law."

§ 3. Said committee or body shall fix the time and place of holding such election and the hours between which the polls are to be kept open, and the polls shall, in all cases, be kept open from 1 o'clock P. M. to 7 o'clock P. M., of the day on which the election is held; they shall also appoint three reputable persons to act as judges and two reputable persons to act as clerks at each polling place. *Provided*, that in cities and towns or villages where there is a board of election commissioners having jurisdiction of general elections, said central or controlling committee shall select the judges and clerks from the list of regular election judges and clerks in each ward, or voting district, to serve at such primary election representing the political association or party calling said primary election. Said judges and clerks, together with the central committee-man who acted with the central or controlling committee, in calling said primary election, shall be ineligible as delegates, alternates, or proxy, at such primary election, or allowed to sit as such in any convention, meeting or caucus, held for the election to which said primary election or elections is being held.

§ 4. At least ten days prior to any such election a notice of such election shall be published in some newspaper or newspapers of general circulation in the district, ward, precinct, township, city or county in and for which the election is called; such notice must be signed by the secretary of the committee or body calling such election, and must state the purpose, time, together with the place or places of holding such election, with a description of each primary election district, and the three persons shall be named therein who are appointed for each polling place to act as judges and two persons to act as clerks of said election, and who shall supervise or preside at such election in the primary election district for which they are respectfully appointed, and such judges and clerks shall be legal voters and householders in one of the regular election precincts within the primary election district for which they are named. Such notice shall also declare that such election therein called will be held in pursuance of, and subject to the provisions of this act, under the title of "Primary Election Law," and any election held in pursuance of any notice calling for an election under the "Primary Election Law," shall be taken and deemed to be an election under this law.

§ 5. The persons named as judges and clerks of election in the notice required by section four of this act, or any persons assuming or chosen to be such judges and clerks in the absence, refusal or failure to act, of any of the judges or clerks named in such notice shall first make oath or affirmation that they are legal voters and householders in one of the regular election precincts within the primary election district, for which they were appointed to serve; that they will faithfully and correctly conduct such election, protect it against all frauds and unfairness, carefully and truly canvass all votes cast thereat, and in every way conform to the provisions of this act, and of the notice for the election, which oath may be administered by any one of the judges, or by any person authorized under the laws of the State to administer oaths. And if one or all of the judges appointed to serve at the election be absent or fail or refuse to serve at the hour appointed for the election to begin, then the electors present to the number of not less than five, possessing the qualifications of persons entitled to vote at said election, shall choose a person or persons to fill any vacancy that may exist. Any violation of the provisions of this section shall be deemed a misdemeanor, and shall subject the offender, on conviction, to punishment by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than one nor more than six months, or by both such fine and imprisonment in the discretion of the court.

§ 6. Every legal voter entitled to vote at regular elections within any election precinct, included within the primary district of which he is a resident and who is a member of the political association or party holding the primary election, shall be entitled to vote at such primary election: *Provided*, that in cities, towns or villages where there is a board of election commissioners having jurisdiction of general elections, no person shall be allowed to vote unless he shall be a member of the political party or association holding such primary election and shall, upon demand, give the judges his name and place of residence, and he shall state, upon like demand (if made), that he has not voted at any other primary election held by any other political association or party for a period of one year prior to the date of the primary election then held. He shall not have voted at this or any other poll at any primary election held that day, nor shall he be allowed to vote unless, in addition to the qualifications hereinbefore prescribed, he is a registered voter in one of the election precincts contained within the primary election district wherein he resides, and it shall be the duty of the board of election commissioners to furnish and distribute among the judges of every primary election held under this act, complete lists of the registered voters in each election precinct contained within their respective primary election districts. Any person who is not a member of the political asso-

ciation or party holding a primary election who votes at such primary election shall be deemed guilty of a misdemeanor and shall be subject, on conviction, to punishment by a fine of not less than fifty dollars, nor more than two hundred dollars, or by imprisonment in the county jail not less than six months, or by both such fine and imprisonment in the discretion of the court; and in any prosecution for the violation of the provisions of this act, wherein the fact as to the political party or association to which the defendant belongs is material, such membership may be shown by evidence of general reputation in the neighborhood where said defendant resided at the time of committing the alleged offense as to the political party or association to which he belonged.

§ 7. The committee or body electing to hold a primary election under this act, shall divide the district, ward, township, city, town or village into primary election districts, such primary election districts shall be formed of contiguous election precincts in as nearly compact form and as nearly equal as circumstances will permit; and no such primary election district shall be formed which shall contain more than 800 voters of the political association or party holding the primary election, the number of such voters to be determined by the vote cast at the last preceding presidential election. At any primary election held under this act, the voters of each of such primary election districts entitled to vote at such election shall choose their own representatives or delegates.

§ 8. It shall be the duty of the judges of said election to entertain objections made by any qualified elector, within his own primary election district, to any vote which may be offered, on the ground that the person offering it is not a citizen of the United States, or a legal resident and voter under the general election laws of the State, of the election precinct, ward, township, district, city, town or village for which the election is held; or that he is not a member of the association or party holding such election, or in case such person offering to vote should be registered by the terms of this act, that he is not a registered voter, or that he has received or been promised, directly or indirectly, any money, fee or reward for his vote for any candidate, or that he has voted before at that place or some other place on that day, or at the same election; and it shall be the duty of one of the judges of the election, if such objection be not withdrawn, to administer to the person so offering to vote, an oath or affirmation to the general effect that he will truly testify to all matters relating to his qualifications under the general election laws of the State, to his residence, citizenship, the political party or association to which he belongs, receiving or being promised, directly or indirectly, any money, fee or reward for his vote from any candidate, or any other person, or whether he had voted at that or any other place on that day at

such election, either in his own name or that of another, or under an assumed name. It shall then be the duty of the judges to interrogate the persons so objected to as to all matters in particular upon which said objection was made, and, generally, as to all of his qualifications as an elector at such election. If the person so objected to shall refuse to answer any questions asked, after said oath or affirmation shall have been administered, or shall refuse to take such oath, it shall be the duty of the judges to reject such vote, and they shall also reject such vote unless such person shall file with them a written or printed, or partly written or printed, statement by him, signed under oath, that he is a qualified voter of the election district in which such election is held, and entitled to vote at such election; and unless such statement shall be accompanied by a similar statement of some person known to at least one of the judges to be a qualified voter in that district, to the effect that he knows the person so challenged, and that his statement is true, which said last statement must also be subscribed by the party making it. Such statement must, in all cases, expressly state that the person making it is a member of the political association or party holding the election. If such statements shall be filed and such oath be taken, and such questions answered in such a manner as to show that the applicant is qualified to vote at such election, it shall be the duty of the judges of the election to receive such vote, and the word "sworn" shall be noted opposite the person's name on the poll lists, to be kept as hereinafter provided. Any violations of the provisions of this section by the judges of the election, or either of them, shall be deemed a misdemeanor, and, upon conviction, shall subject the party so offending to punishment by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than two nor more than six months, or by both such fine and imprisonment, in the discretion of the court; and any person who shall, upon taking such oath or affirmation, and under the examination herein authorized, or in the written statements herein required, willfully make a false statement as to a matter pertinent and material in such examination, shall be deemed guilty of perjury, and, upon conviction thereof, be punished as prescribed by law for such offense.

§ 9. Whoever fraudulently votes more than once at any primary election, or offers to vote after having voted once at such election, or, knowing that he is not a qualified voter at such election, willfully votes or offers to vote at such election; or

Second—Willfully aids or abets any one not qualified to vote at such primary election in voting or attempting to vote at such election; or

Third—By offering a reward or bribe, or by treating or giving to him any spirituous, malt or other liquors, either directly or indirectly, influences or attempts to influence any voter in giving or withholding his vote at such election; or

Fourth—Furnishes a voter with a ticket or ballot informing him that it contains a name or names different from those which appear thereon, with intent to induce him to vote contrary to his intentions; or

Fifth—Fraudulently or deceitfully changes a ballot of a voter, with intent to prevent such voter from voting for such person as he intended; or

Sixth—Endeavors to prevent the voting of any voter, or the exercise of lawful influence by any person over a voter at such election for himself or for or against any person, by means of violence or threats of violence, or threats of withdrawing custom, or dealing in business or trade, or enforcing the payment of a debt, or bringing a suit or criminal prosecution, or any other threat of injury to be inflicted by him or by such means; or

Seventh—By bribery or corrupt or unlawful means, prevents or attempts to prevent any voter from attending or voting at such election; or

Eighth—Gives or offers to give any valuable thing or bribe to any judge or clerk of such election, as a consideration for some act to be done or omitted to be done contrary to his duty in relation to such election, or shall interfere with or disturb in any manner, any election held under the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not less than two nor more than six months, or both such fine and imprisonment, in the discretion of the court.

§ 10. The judges of such primary election or elections shall not require any other or further qualifications of voters at such primary election than those provided in this act, and they shall permit a challenger for each adverse interest or party in the result of such primary election, to be and remain within each polling place, where such primary election is being held, and give ample time and opportunity to any challenger or any other person to challenge each vote as the same is presented; said challengers shall be residents of the primary districts for which they are chosen. The poll list shall contain the name of each voter, with his residence, in the order which the votes were cast, and the judges and clerks shall see to it that the ballot cast by each voter shall receive the same number that is entered opposite the name of such voter on such poll list, in the order of and as the votes are cast.

§ 11. The following is substantially the form of the poll lists and tally lists to be kept by the judges of election:

## POLL LIST

Of the primary election held in the.....primary election district of the.....ward of.....in the county of....., on the.....day of..... in the year....., A. B. C. D., and E. F. judges, and A. B. and C. D. clerks of said..... election, were respectively sworn (or affirmed) as the law directs previous to their entering on the duties of their respective offices.

Number and name of electors voting:

No.	Name and residence.	No.	Name and residence.
1	A. B.	3	E. F.
2	C. D.	4	G. H.

We hereby certify that the number of electors voting at this election is.....

A. B.  
C. D.  
E. F.

Judges of Election.

A. B.  
C. D.

Clerks.

## TALLY LIST.

Names of persons voted for; and for what position, and number of votes given for each candidate:

We hereby certify that A. B. had.....votes for....., and C. D. and.....votes for.....; that E. F. had.....votes for....., etc.

A. B.  
C. D.  
E. F.

Judges of Election.

A. B.  
C. D.

Clerks.

§ 12. Any one of the judges may administer and certify oaths required to be administered during the progress of an election held under this act.

§ 13. When the primary election is held for the election of delegates the ballots shall be written or printed, or partly written and partly printed, and when printed or partly printed



and partly written they shall be upon plain white paper without distinguishing marks, the paper to be common print paper and the ballots to be  $3\frac{1}{2}$  by 6 inches in size.

§ 14. Before receiving any ballots the board must, in the presence of the persons assembled at the polling place, open and exhibit, and then close the ballot box; and thereafter it must not be removed from the polling place, nor the view of the bystanders until all the ballots are counted, nor must it be opened until after the polls are finally closed.

§ 15. Before the judges receive any ballots, they must cause it to be proclaimed aloud, at the place of election, that the polls are open.

§ 16. Fifteen minutes before the time when the polls are to be closed the fact must be proclaimed aloud at the place of election, and after the polls are closed, no ballots must be received.

§ 17. As soon as the polls are finally closed, the judges and clerks must immediately proceed to canvass the votes given at such election. The canvass must be public, in the presence of the bystanders, and must be continued without adjournment until completed, and the result thereof is declared, and must also be conducted at the polling place where the election is held, where, also, the result as to each candidate voted for must be, immediately on the completion of such canvass, publicly proclaimed by each one of the judges successively, in a loud voice, and such proclamation shall be *prima facie* evidence of the result:

§ 18. In conducting the canvass the judges shall first count the whole number of ballots in the box, and if the number of such ballots shall be found to exceed the number of names entered on the polling lists they shall reject the ballots, if any be found upon which no number is marked, or so many thereof, without opening the same, or examining or looking at the names thereon, as may be necessary to make the number of ballots correspond to the number of names entered on the polling lists, but if the number of ballots, after rejecting all the unnumbered ballots still exceeds the number of names entered on the polling lists, they shall be replaced in the box, and one of the judges shall publicly draw out and destroy so many ballots, unopened, and without examining them, as shall be equal to such excess.

§ 19. The number of ballots agreeing, or being thus made to agree, with the number of names on the list, the lists must be signed by the judges and clerks of election, and the number of names thereon must be set down in words and figures at the foot of each list, and over the signatures of the judges, substantially in the form prescribed in section eleven.

§ 20. After the lists are thus signed, the judges must proceed to count and ascertain the number of votes cast for each person voted for. The ballots must be taken out and opened by one of the judges, and by him distinctly read aloud and inspected by the other two judges.

§ 21. The clerks must write down each office or position to be filled, and the name of each person voted for to fill such office, and keep the number of votes for each person for each office by tallies as they are read aloud.

§ 22. As soon as all the votes are counted, there must be attached to the tally lists containing the names of the persons voted for and for what office, and the number of votes given for each candidate, the number being written at full length, and such lists must be signed by the judges and clerks, substantially in the form given in section eleven.

§ 23. After counting the votes, proclaiming the result, and signing the lists, as above provided, and cause the statements provided for in section eight, and one copy of the lists to be delivered to the secretary signing the notice of election, and one of the judges must retain the other lists together with the ballots, for twenty days after the election, and such statements and lists returned to the said secretary shall be by him, after the expiration of twenty days, delivered to the county clerk of the county in which such election was held, and by that officer kept with the other books and papers of his office, open like other public records to public inspection, for the space of three months, at the end of which time, if no legal proceedings have been instituted, in which such lists or statements may be useful as evidence, said county clerk may then destroy the same.

§ 24. The primary election judges or a majority of them must issue certificates of election to all persons who are chosen to fill any position by the vote of their primary election district.

§ 25. If any person shall be guilty of any violation of this act, for which no punishment is herein especially provided for, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars, nor more than two hundred dollars, or imprisoned in the county jail not less than one month nor more than six months, or punished by both such fine and imprisonment, in the discretion of the court.

§ 26. An act to regulate primary elections of voluntary political associations and to punish frauds therein, approved June 22, 1885, is hereby repealed.

APPROVED June 6, 1889.

## POLL-BOOKS AND TALLY SHEETS.

- § 1. Amends section 62, act of 1872, as amended by act of 1885, by requiring tally sheets and poll-books to be delivered to the county clerk in "24 hours," and to be deposited in the postoffice, addressed to the Secretary of State within "6 hours" after the completion of the canvass."

AN ACT to amend section sixty-two of an act entitled "An act to amend section twenty-nine, section thirty, as amended June 18, 1883, in force July 1, 1883; section thirty-one, section thirty-two, as amended June 18, 1883, in force July 1, 1883; section thirty-three, section thirty-seven, section thirty-eight, section fifty-seven and section sixty-two of 'An act in regard to elections, and to provide for filling vacancies in elective offices,'" approved April 3, 1872, and in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section sixty-two of an act entitled "An act to amend section twenty-nine, section thirty, as amended June 18, 1883, in force July 1, 1883; section thirty-one, section thirty-two, as amended June 18, 1883, in force July 1, 1883; section thirty-three, section thirty-seven, section thirty-eight, section fifty-seven, and section sixty-two of 'An act in regard to elections, and to provide for filling vacancies in elective offices,'" approved April 3, 1872, and in force July 1, 1872, be amended so as to read as follows:

Section 62. One of the lists of voters with such certificate written thereon, and one of the tally papers footed up so as to show the correct number of votes cast for each person voted for, shall be carefully enveloped and sealed up, and put into the hands of one of the judges of election, who shall, within twenty-four hours thereafter, deliver the same to the county clerk or his deputy, at the office of said county clerk, who shall safely keep the same. Another of the lists of voters, with such certificate written thereon, and another of the tally papers footed up as aforesaid, shall be carefully enveloped and sealed up and duly directed to the Secretary of State, and, by another of the judges of election, deposited in the nearest postoffice within six hours after the completion of the canvass of the votes cast at such election, which poll-book and tally list shall be filed and kept by the Secretary of State for one year, and certified copies thereof shall be evidence in all courts, proceedings and election contests. Another of the lists of voters, with such certificate written thereon, and another of the tally papers footed up as aforesaid, shall be carefully enveloped and sealed up and delivered by the third one of the judges, without delay, in counties under township organization, to the town clerk of the town in which the district may be; and in counties not under township organization, they shall be retained by one of the judges

of election, and safely kept by said town clerk and judge, for the use and inspection of the voters of such district, until the next general election. Before said returns are sealed up, as aforesaid, the judges shall compare said tally papers, footings and certificates, and see that they are correct and duplicates of each other, and certify to the correctness of the same.

APPROVED May 29, 1889.

#### SCHOOL OFFICERS IN CITIES.

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| <p>§ 1. Expenses of elections held in cities, towns and villages adopting the election law of 1885, for the election of trustees of schools, shall be paid out of the treasury of such cities, towns and villages.</p> | <p>§ 2. Expenses of elections for directors shall be paid out of the district fund.</p> <p>§ 3. Corporate authorities are authorized to levy taxes for such election expenses.</p> |
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AN ACT *to provide for the compensation of judges and clerks of elections at elections at which trustees of schools and school directors are elected under the provisions of an act entitled, "An act to regulate the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That at all elections held under the provisions of an act entitled, "An act to regulate the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, and those amendatory and supplemental thereto, at which any trustee of school may have been heretofore or shall hereafter be elected, the expenses of such election shall be paid out of the treasury of such city, village or incorporated town.

§ 2. That at all elections held under the provisions of said acts at which a school director is elected, the expenses of such election shall be paid out of any funds belonging or appertaining to the district for which such director is elected.

§ 3. The corporate authorities of cities, villages, incorporated towns or school districts are hereby authorized and empowered to levy taxes for the purpose of paying such election expenses.

APPROVED June 3, 1889.

## EXEMPTIONS.

## HOMESTEADS.

§ 1. Amends Sec. 10, act of 1873, by fixing compensation for appraisers and officers serving process: fees taxed as costs.

AN ACT to amend section ten (10) of an act entitled "*An act to exempt the homestead from forced sale, and to provide for setting off the same, and to exempt certain personal property from attachment and sale on execution, and from distress for rent,*" approved April 30, 1873, in force July 1, 1873.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section ten (10) of an act entitled "*An act to exempt the homestead from forced sale, and to provide for setting off the same, and to exempt certain personal property from attachment and sale on execution, and from distress for rent,*" be, and the same is hereby amended so as to read as follows:

Section 10. If, in the opinion of the creditors, or officer holding an execution against such householders, the premises claimed by him or her as exempt are worth more than one thousand dollars (\$1,000), such officer shall summon three householders as commissioners, who shall, upon oath, to be administered to them by the officer, appraise said premises; and if, in their opinion, the property may be divided without injury to the interest of the parties, they shall set off so much of said premises, including the dwelling house, as, in their opinion, shall be worth one thousand dollars (\$1,000), and the residue of said premises may be advertised and sold by such officer. Each commissioner shall receive for his services the sum of two dollars (\$2) per day for each day necessarily engaged in such service. The officer summoning such commissioners shall receive such fees as may be allowed for serving summons, but shall be entitled to charge mileage for only the actual distance traveled from the premises to be appraised, to the residence of the commissioners summoned: *Provided*, the officer shall not be required to summon commissioners until the plaintiff named in the writ, or some one for him, shall advance to the officer one day's fees for said commissioners, and unless the plaintiff or creditor shall advance such fees, the officer shall not be required to execute such writ. The costs of such appraisalment shall not

be taxed against the execution debtor unless such appraisement shall show that the debtor has property subject to such execution.

APPROVED June 1, 1889.

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## EXPLOSIVES.

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§ 1. Amends section 4, by striking out "one-mile" and inserting "one-half ( $\frac{1}{2}$ ) of a mile."

AN ACT to amend section four (4) of "*An act to regulate the manufacture, transportation, use and sale of explosives, and to punish an improper use of the same,*" approved June 16, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section four of "*An act to regulate the manufacture, transportation, use and sale of explosives, and to punish an improper use of the same,*" approved June 16, 1887, in force July 1, 1887, be amended so as to read as follows:

Section 4. That no person, firm, company or corporation, shall make, manufacture or compound within the limits of this State, any dynamite, nitrochlorate, or other explosive compound within one-half ( $\frac{1}{2}$ ) of a mile of any inhabited dwelling; and no person, firm, company or corporation shall make, manufacture or compound any dynamite, nitrochlorate or other explosive compound without a permit for such purpose signed by the county clerk of the county in which said manufacturing or compounding is desired to be done, and duly attested with the seal of said official, and the said official issuing the said permit shall keep a record of the names and residences of persons to whom such writ is issued. The officer authorized by this act shall not issue such permit unless the purpose for which said explosive or compound is to be manufactured is a lawful one. Any person, firm, company or corporation making any such compound without such permit, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine and imprisonment, or both, in the discretion of the court, such fine to be not less

than two hundred dollars nor more than one thousand dollars, and for a second offense, shall be deemed guilty of a felony and be subject to imprisonment in the penitentiary for not less than one year nor more than five years, and a fine of not less than five hundred dollars nor more than two thousand dollars.

APPROVED May 28, 1889.

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## FEES AND SALARIES.

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### STATE'S ATTORNEYS FEES.

§ 1. Amends Sec. 8, act 1872, as amended 1883, in regard to the fees of State's attorneys.

*AN ACT to amend section 8 of an entitled "An act concerning fees and salaries, and to classify the several counties of this State with reference thereto," in force July 1, 1872, as amended by act in force July 1, 1883.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 8 of an act entitled "An act concerning fees and salaries, and to classify the several counties of this State with reference thereto," in force July 1, 1872, as amended by act approved June 15, 1883, in force July 1, 1883, be and the same is hereby amended so as to read as follows:

Section 8. State's attorneys shall also be entitled to the following fees:

For each conviction in a felony case, \$20.

For each conviction in other cases, in courts of record, including cases brought to such courts from justices of the peace and police magistrates, \$5.

For each conviction in cases before police magistrates and justices of the peace for offences which it is made by law the duty of State's Attorneys to prosecute before such officers, and for each conviction before justices of the peace and police magistrates, on any charge made criminal by the laws of this State, prosecuted by them, \$5.

For attending preliminary examination, for each defendant held to bail or recognized, \$5.

For each examination in court of record of a party bound over to keep the peace, \$5.

For each trial in a court of record on charge of bastardy, \$10.

For each case of appeal or writ of error taken from his county, or from the county to which change of venue is taken from his county to the Supreme or Appellate court, when prosecuted or defended by him, \$30.

For each day actually employed in the trial of cases of felony arising in their respective counties and taken by change of venue to another county, \$10; and the judge before whom the case is tried shall make an order specifying the number of days for which said per diem shall be allowed, and it is hereby made the duty of each State's attorney to prepare and try each case of felony arising in his county when so taken away by change of venue.

For assisting in the trial of each case on an indictment for felony brought by change of venue to their respective counties, the same fees they would be entitled to if such indictment had been found for an offense committed in his county, and it shall be the duty of the State's Attorney of the county to which such cause is taken by change of venue to assist in the trial thereof.

For each case of forfeited recognizance where the forfeiture is set aside at the instance of the defense, in addition to the ordinary costs, \$5 for each defendant.

For conducting proceedings in the county court to inquire into the alleged insanity or distraction of any person alleged to be insane or distracted, \$5.

All the foregoing fees shall be taxes as costs to be collected from the defendant, if possible, upon conviction; but in cases to inquire into the sanity or insanity of any person alleged to be insane, in cases on a charge of bastardy, and in cases of appeal or writ of error in the Supreme or Appellate court, where judgment is in favor of the accused, the fees allowed to State's Attorneys therein shall be retained out of the fines and forfeitures collected by them in other cases.

Ten per cent. of all moneys, except revenue, collected by them and paid over to the authorities entitled thereto, which per cent., together with the fees provided for herein that are not collected from the parties tried or examined, shall be paid out of any fines and forfeited recognizances collected by them. State's Attorneys shall have a lien for their fees on the judgments for fines or forfeitures procured by them, until such fees and earnings are fully paid.

No fees shall be charged on more than twenty counts in any one indictment or information on trial and conviction; nor on more than twenty counts against any one defendant on pleas of guilty at the same term of court.

APPROVED June 4, 1889.



## WITNESSES' FEES IN COUNTY COURTS.

§ 1. Amends section 49 by allowing fees in attendance upon law term and mileage fees.

AN ACT to amend section 49 of an act entitled "*An act concerning fees and salaries, and to classify the several counties in this State with reference thereto,*" approved March 29, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 49 of an act entitled "*An act concerning fees and salaries, and to classify the several counties of this State with reference thereto,*" be amended so as to read as follows:

Section 49. Each witness before the county court, whether said court be sitting for probate or common law business, shall receive one dollar (\$1) for each days' attendance, and five cents per mile each way for necessary travel: *Provided*, that such fees for attendance and mileage shall be claimed at the time of the trial to be taxed as costs in the cause.

APPROVED June 3, 1889.

## FENCES.

## DIVISION HEDGE FENCES.

§ 1. Amends act 3 of 1874 by providing that a division fence may be of hedge, and prescribing the height and how often it shall be trimmed; in case of failure to trim, upon notice, it may be done at the expense of the neglecting owner.

AN ACT to amend section three, chapter fifty-four, "*an act to revise the law in relation to fences,*" approved March 22, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section three chapter fifty-four, "*An act to revise the law in relation to fences,*" approved March 22, 1874, in force July 1, 1874, be amended as follows:

Section 3. When two or more persons shall have lands adjoining, each of them shall make and maintain a just proportion of the division fence between them, and if said fence shall be a hedge fence, then the owner or owners of such hedge fence shall, during the year after such hedge has attained the age of seven years, cut back or trim such hedge fence to a height not to exceed four feet, and shall, at least once in every two years thereafter, cut back or trim such hedge fence to the height of five feet: *Provided*, that the provisions of this section shall not apply to any hedge fence protecting either an orchard or buildings or wind-break not to exceed thirty rods. If the owner or owners of such hedge fence shall fail or refuse to comply with the provisions of this act, on or before the fifteenth day of June, in the year that said hedge should be cut or trimmed, any one of the owners of such division fence, having complied with the provisions of this act, may give the owner or owners, or their agents, of any such uncut or untrimmed hedge, ten days notice, in writing, to cut or trim such hedge; and should the owner or owners, or their agents, so notified fail or refuse to comply with said act it shall be lawful for the person giving said notice to cut or trim or cause to be cut or trimmed, in accordance with law, and the cost and damage of cutting or trimming such hedge may be recovered off of the owner or owners of such hedge before a justice of the peace or any court of competent jurisdiction.

APPROVED June 1, 1889.

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#### HEDGES ALONG HIGHWAYS.

§ 1. Amends the act of 1883.

| § 2. Amends by adding section 4.

AN ACT to amend sections two (2) and three (3) of an act entitled "An act concerning hedge fences along the public highways in this State," approved June 21, 1883, in force July 1, 1883, and to add a section to said act, to be known as section four (4).

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections two (2) and three (3) of an act entitled "An act concerning hedge fences along the public highway in this State," approved June 21, 1883, in force July 1, 1883, be, and the same are hereby so amended as to read as follows:

Section 2. The owner or owners of any hedge fence along the line of any public highway in this State shall, during the year next after such hedge shall have attained the age of seven years, cut back or trim such hedge fence, except Osage hedge, which shall be trimmed annually after the second year from first trimming, to a height not exceeding four feet, and shall at least once in every year thereafter cut back or trim such hedge fence so that the same shall not exceed the height of five feet, so that such public highway shall not be obstructed or impaired in usefulness or convenience, nor the public health injured or jeopardized by such hedge fence: *Providing*, that the provisions of this section shall not apply to any hedge protecting either an orchard or building: *Provided, further*, that upon application by the owner of any hedge fence along any highway to the commissioners of highway of the town where situated in counties under township organization, or to the supervisors of highway in the road district where situated, in counties not under township organization, said commissioners of highways, or supervisors of highways, as the case may be, may, at their discretion, permit said owner to grow a hedge fence not to exceed one-fourth the total length of hedge fence along the highway on each farm of said owners to any height desired by said owner, as a windbreak for stock: *Provided, further*, that said owner shall keep all such hedges trimmed on the roadside, so that the same will not obstruct the public highway to exceed four feet from the line of said public highway.

Section 3. If the owner or owners of any such hedge fence shall fail or refuse to comply with the provisions of this act on or before the first day of October of each year, the said owner or owners shall be subject to a fine of not less than ten dollars (\$10) nor more than fifty dollars (\$50) in each and every year failing to comply with the provisions of this act. Said fine may be recovered, with costs of suit, against the owner or owners of such hedge fence, before any justice of the peace or other court of competent jurisdiction of the county in which said hedge is situated, by suit in the name of the commissioners of highway of the township of the counties under township organization, or commissioners of highway in the road district in counties not under township organization in which such hedge fence may be situated, said fine to be applied for the use of the road districts in which hedge fence may be growing, and the commissioners of highways shall bring or cause to be brought, such suit, in accordance with section three (3).

§ 3. That there shall be and hereby is added to said act an additional section, to be known as section four (4).

Section 4. That when the owner of such hedge fence does not reside in the county where such hedge fence is situated, and refuses or neglects to cut or cause the same to be cut, it shall be the duty

of the commissioners of highways of the township or road district in which such hedge fence is situated, to cut, or cause such hedge fence to be cut or trimmed at any time after the first day of October in each and every year as is required by this act. The cost of cutting or trimming and all costs that may accrue by the cutting or trimming of such hedge fence may be recovered by such commissioners of highways in any action of debt in any court of competent jurisdiction against the owner of the land in which said hedge fence may be situated, and the commissioners of highways shall bring or cause to be brought, such suit in accordance with the provisions of section 3 of this act.

APPROVED June 3, 1889.

## FISH AND GAME.

### FISH.

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| <p>§ 1. Amends sections 1 to 6 and section 15 of the act of 1887.</p> <p>Section 1. Obstructions for the purpose of catching fish in streams, ponds and lakes, prohibited; fishing, except with hook and line, within one-half mile of any dam, prohibited; killing fish by certain means, prohibited.</p> <p>§ 2. Fishways at all dams shall be maintained in good repair; failure to do so; penalties for failure.</p> <p>§ 3. Certificates of construction; suspension of certificates for failure to repair; fishways shall not impair or endanger the durability of dams; commissioners shall judge as to safety; in case of disagreement arbitrators shall be chosen.</p> | <p>§ 4. Fish wardens; appointment by the Governor; duties; removal.</p> <p>§ 5. Arrests for violations of this act.</p> <p>§ 6. Seining prohibited; meshes of weirs and traps; seining in navigable rivers allowed in certain seasons; fish may be taken for propagating and distribution; buying and selling fish killed in violation of this act, penalties.</p> <p>§ 7. Penalties under this act.</p> |
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*AN ACT to amend sections one (1) to six (6) inclusive, and section fifteen (15) of an act entitled "An act to encourage the propagation and cultivation, and to secure the protection of fishes in all the waters of this State," approved May 31, 1887, in force July 1, 1887, and to provide for the enforcement of the provisions of this act.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections one*

(1) to six (6) inclusive, and section fifteen (15), of an act entitled "An act to encourage the propagation and cultivation, and to secure the protection of fishes in all the waters of this State," approved May 31, 1887, in force July 1, 1887, be and the same are hereby amended so that the following sections shall be substituted for and in place of said sections one (1) to six (6) inclusive, and section fifteen (15).

Section 1. That no person shall place or cause to be placed or erected any seine, weir, net, fish-dam, or other obstruction, in or across any of the rivers, creeks, streams, ponds, lakes, sloughs, bayous, or other water or water-courses, wholly within or running through this State, in such manner as shall obstruct the free passage of fish up and down or through such water or water-courses; and it shall be unlawful for any person to catch or take fish, except minnows for bait, with any device or means other than a hook and line within one-half mile of any dam constructed across any of the rivers or creeks or other water-courses wholly within or running through this State: *Provided, further,* that it shall be unlawful for any person or persons at any time to catch or kill any fish in any of the rivers, creeks, ponds, lakes, sloughs, bayous, or other water-courses within the jurisdiction of this State, by use of lime, spear, acid, medicinal or chemical compound or explosive.

Section 2. That it shall be the duty of any person or persons who now own or control, or hereafter may erect or control, any dam or other obstruction across any of the rivers, creeks, streams, bayous, or other water-courses wholly within or running through this State, in such manner as shall obstruct the free passage of fish up and down or through such water or water-courses, to place or cause to be erected in or in connection with such dam or dams durable and efficient fish-ways, so that the free passage of fish up and down said waters may not be obstructed. All such fish-ways shall be maintained and kept in good repair by the person or persons so owning or controlling such dam or other obstructions during the whole time of the existence of such dam or other obstructions as aforesaid, so that said fish-ways shall at all times be opened and free from obstruction for the passage of fish. And in case the owner or persons controlling, operating or using any dam or other obstruction as aforesaid, shall fail or refuse after ten days' notice, in writing, by a majority of the Fish Commissioners of this State, to construct and keep in good repair durable and efficient fish-ways, as provided in this act, then the Fish Commissioners may construct or cause to be constructed, durable and efficient fish-ways, or place the same in good repair, said work to be let by contract to the lowest responsible bidder, and may recover in an action of debt in the name of the People of the State of Illinois before any justice of the peace or any court of competent jurisdiction, the cost of constructing or repairing such fish-

way. Any person or persons or corporation owning or controlling any such dam or other ob-tructions who shall fail or refuse to comply with the provisions of this section, with respect to the construction and maintenance in good repair of such fish-ways in any such dam, after having been notified in writing by the Fish Commissioners, or a majority of them, to construct or repair the same, shall be deemed guilty of a misdemeanor and for each and every twenty days after such notification that such person or persons shall neglect or refuse to comply with the provisions of this section in not erecting, maintaining and keeping in good repair such fish-ways, he or they shall be subject to a penalty of not less than ten or more than one hundred dollars.

Section 3. All fish-ways built as provided in this act, if constructed to the satisfaction and approval of a majority of the Fish Commissioners, then every owner or person controlling such dam or other obstruction, as provided in this act, may obtain from such Fish Commissioners, or a majority of them, a certificate that such fish-way is constructed in compliance with this act, which certificate shall be a full protection against any prosecution for violation of this act for not providing a fish-way. Such certificate may be suspended at any time by the Fish Commissioners, when such fish-way is not maintained or repaired as herein required. If such person or persons so owning or controlling any such dam or other obstruction shall fail to construct or maintain such fish-way to the satisfaction of the Fish Commissioners, or a majority thereof, then it shall be *prima facie* evidence of the violation of this act: *Provided*, that no owner or owners of any dam or dams shall be required by this act, or any other act to construct or allow the construction of any fish-way in such manner as to endanger the permanent durability of such dam or dams, or to impair their usefulness. Nor shall they be required to construct or repair such fish-way by using some particular patent on which a patent fee is demanded, or to construct or repair such fish-way when high water or climatic conditions may render such work impracticable. The Fish Commissioners, or a majority of them, to determine whether or not such fish-way will endanger the permanent durability of such dam or impair its usefulness as to such high water or climatic condition, and in case the owner or owners of such dam dissent to the decision of such Fish Commissioners, or a majority of them, then a board of arbitrators shall be chosen to determine such matters: one by the Fish Commissioners, or a majority of them, one by the owner or owners of such dam, and the two so chosen shall select a third, within thirty (30) days after their selection, and if not so selected within thirty (30) days, then the third one shall be selected by the Governor of the State, and the decision of such arbitrators, so chosen, shall be final. If the owner or owners of such dam shall not choose the arbitrator, as aforesaid, within

ten (10) days after notice in writing by the Fish Commissioners, or a majority of them, then the decision of the Fish Commissioners shall be final and conclusive. In case of the destruction or damage resulting to the dam by reason of the construction of a fish-way under the direction of the Fish Commissioners, such damage shall be repaired at the expense of the State.

Section 4. The Governor, on request of the Fish Commissioners, shall appoint fish wardens, who shall enforce all laws relating to fishes, arrest all violators thereof, prosecute all offenses against the same. They shall have power to serve processes against such offenders, and shall be allowed the same fees as constables for like service, and shall have power to arrest, without warrant, any person found violating any of the provisions of this act, but such wardens shall receive no fees except in cases where convictions are obtained. Such fish wardens may be removed at any time by the Governor.

Section 5. It shall be the duty of all sheriffs, deputy sheriffs, constables, Fish Commissioners and fish wardens to cause any person violating any of the sections of this act to be promptly prosecuted, and the several Fish Commissioners of this State shall have the power to arrest, without warrant, any person found violating this act, but shall not have power to arrest without warrant any person or persons for violation of sections two (2) and three (3) of this act.

Section 6. That it shall be unlawful for any person to catch or kill any fish with any seine, or any other device used as a seine, in or upon any of the rivers, creeks, streams, ponds, lakes, sloughs, bayous or other watercourses wholly within or running through the State of Illinois; nor shall the meshes of any weir, basket or trap, or any device used for catching fish in such waters not above prohibited, except for catching minnows for bait, be less than two inches square: *Provided, however,* that seining shall be lawful and allowed between the first day of July in each year and the first day of April in the following year with seines, the meshes of which shall not be less than two inches square, in such rivers or streams as are used for navigation wholly within the State, and not above or beyond any private or corporate dam on said rivers or streams, and also in the navigable bays or lakes connected with such navigable streams wholly within the State, and not extending beyond the overflowed bottoms of such rivers or streams: *Provided, also,* that it shall be lawful for the Fish Commissioners, or persons authorized by them, to take fish in any way at any time they deem best for the purposes of propagation or distribution. It shall be unlawful for any person to knowingly buy, sell or have in possession any fish at any time which shall have been caught, taken or killed contrary to the provisions of this act, and any person so offending shall be deemed guilty of a misdemeanor and fined as provided in this act.

Section 15. Any person or persons violating any of the provisions of the preceding sections of this act, where no other penalty is provided, shall be deemed guilty of a misdemeanor, and upon a conviction shall be fined not less than ten or more than two hundred dollars for each offense and costs of suit.

APPROVED June 3, 1889.

### GAME.

§ 1. Amends sections 1, 2 and 6 of the act of 1879.

Section 1 specifies the time when game may be killed, and how; penalties for violation of this act.

§ 2. Having game in possession and offering for sale, transporting, etc.; penalties for violation of this act.

§ 6. Selling and exposing for sale.

AN ACT to amend sections one, two and six of an act entitled, "*An act to revise and consolidate the several acts relating to the protection of game, and for the protection of deer, wild fowl and birds,*" approved May 14, 1879, and in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections one, two and six of an act entitled "*An act to revise and consolidate the several acts relating to the protection of game, and for the protection of deer, wild fowl and birds,*" approved May 14, 1879, and in force July 1, 1879; be, and the same are, hereby amended so as to read as follows:

Section 1. That it shall be unlawful for any person or persons to hunt, pursue, kill, trap, net or ensnare, or otherwise destroy, any wild buck, doe, or fawn, or wild turkey, between the fifteenth day of January and the first day of September of each and every year, or any pinnated grouse or prairie chicken between the first day of November and the fifteenth day of September of the succeeding year, or any ruffled grouse, quail, pheasant or partridge between the first day of December and the first day of October of each succeeding year or any year, or any woodcock between the fifteenth day of September and the fifteenth day of July of each succeeding or any year, or any gray, red, fox, or black squirrel between the fifteenth day of December and the first day of June of each succeeding year or any year; and it shall be unlawful to kill, hunt, destroy,



snare, entrap, or to attempt to kill, hunt, snare, entrap, or otherwise destroy, any wild goose, duck, brant, or other water fowl, at any time between the fifteenth day of April and the fifteenth day of September of any year; and it shall be unlawful to hunt, kill, trap, ensnare, or attempt to hunt, kill, trap, ensnare, or otherwise destroy, any wild goose, brant, duck, rail, or other water fowl, between sunset of any day and sunrise of the next succeeding day, at any period of the year; and it shall further be unlawful, at any time, to hunt, kill, trap, or ensnare, or to attempt to hunt, kill, trap, or ensnare, or otherwise destroy, any wild goose, brant, duck, or other water fowl, from any fixed or artificial ambush beyond a natural covering of reeds, canes, flags, wild rice, or other vegetation above the water of any lake, river, bay, or inlet, or other watercourse wholly within this State, or in such part of such stream or water-course wholly within this State, or with the aid and use of any device commonly called sneak boat, sink-box or other device used for the purpose of concealment in the open waters of this State; and it shall further be unlawful to shoot, kill or destroy or shoot at any wild goose, duck, brant, or other water fowl, with a swivel gun, or from any sailboat or steamboat, at any time, in any part of the water of any lake, river, bay, or inlet, or other watercourse wholly within this State, or in that part of such stream or watercourse wholly within this State; and any person so offending shall, for each and every offense, be deemed guilty of a misdemeanor, and, on conviction, shall be fined in any sum not less than five dollars nor more than twenty-five dollars and costs of suit, and shall stand committed to the county jail until such fines and costs are paid: *Provided*, that such imprisonment shall not exceed ten days, and the killing of each bird or animal herein specified shall be deemed a separate offense.

Section 2. It shall be unlawful for any person to buy, sell, or have in possession, any of the animals, wild fowl or birds mentioned in section one of this act at any time when the trapping, netting or ensnaring of such animals, wild fowl, or birds, shall be unlawful, which shall have been entrapped, netted or ensnared contrary to the provisions of this act; and it shall further be unlawful for any person or persons at any time to sell or expose for sale, or to have in his or their possession for the purpose of selling, any quail, pinnated grouse or prairie chicken, ruffled grouse or pheasant, gray, red, fox, or black squirrel or wild turkey that shall have been caught, snared, trapped or killed within the limits of this State; and it shall further be unlawful for any person, corporation or carrier to receive for transportation, to transport, carry or convey any of the aforesaid quail, pinnated grouse or prairie chicken, ruffled grouse or pheasant, squirrel, or wild turkey, that shall have been caught, snared, trapped or killed within the limits of this State, knowing the same to have been sold, or to transport,

carry or convey the same to any place where it is to be sold or offered for sale, or to any place outside of this State for any purpose; and any person guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than five dollars nor more than twenty-five dollars for each and every offense, and shall stand committed to the county jail not exceeding ten days until such fines and costs are paid: *Provided*, that the selling, exposing for sale, having in possession for sale, transporting or carrying and conveying, contrary to the provisions of this section, of each and every animal or bird forbidden herein, shall be deemed a separate offense.

Section 6. No person or persons shall sell, or expose for sale, or have in his or their possession for the purpose of selling, or exposing for sale any of the animals, wild fowls or birds mentioned in section one (1) of this act after the expiration of five (5) days next succeeding the first day of the period in which it shall be unlawful to kill, trap or ensnare such animals, wild fowls or birds. Any person so offending shall, on conviction, be fined and dealt with as specified in section one (1) of this act, and selling or exposing for sale, or having the same in possession for the purpose of selling or exposing for sale any of the animals or birds mentioned in this section after the expiration of the time mentioned in this section, shall be *prima facie* evidence of the violation of this act: *Provided*, that the provisions of this act shall not apply to the killing of birds by or for the use of taxidermists for preservation, either in public or private collections, if so preserved: *Provided further*, that nothing contained in this section shall be construed as modifying or being in conflict with section two of this act, or authorizing or legalizing the sale or exposing for sale, transportation or receiving for transportation, any of the animals, birds or game as therein prohibited: *And provided, also*, that inhabitants of villages and cities may receive and ship game from other States, and expose and sell the same on the market in said villages and cities, between the first day of October and the first day of February of the following year.

APPROVED June 1, 1889.

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## GUARDIANS AND WARDS.

## PUBLIC COUNTY GUARDIANS.

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| § 1. Appointment by the governor; term of office.<br><br>§ 2. Official oath. | § 3. Failure of guardians to qualify, public guardian shall act.<br><br>§ 4. Powers and duties.<br>§ 5. Bond. |
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AN ACT to provide for the appointment of a public guardian in each county in this State.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Governor of this State, by and with the advice and consent of the Senate, shall, before the first Monday in December, eighteen hundred and eighty-nine, and every four years thereafter, appoint in each county in this State, and as often as any vacancies may occur, a suitable person, to be known as public guardian of such county, who shall hold his office for four years from the first Monday of December, eighteen hundred eighty-nine, or until his successor is appointed and qualified.

§ 2. Every person appointed as a public guardian shall, before entering upon the duties of his office, take and subscribe and file in the office of the clerk of the county court, the following oath, to-wit:

I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the Constitution of the state of Illinois, and that I will faithfully discharge the duties of public guardian of ..... county, according to the best of my ability.

§ 3. Whenever any guardian, appointed under the provisions of section three (3) of the act entitled "An act in regard to guardians and wards," approved April 10, 1872, in force July 1, 1872, shall fail to qualify as such guardian at the expiration of three months from his or her appointment, it shall be the duty of the court to appoint the public guardian of the county where the minor resides, as guardian of the minor.

§ 4. The public guardian, when appointed by the court, as provided in this act, shall have the same powers and his duties shall be the same as of guardians appointed under the provisions of section three of the act entitled "An act in regard to guardians and wards," approved April 10, 1872, in force July 1, 1872.

§ 5. It shall be the duty of the county court to require of a public guardian, before entering upon the duties of his office, to enter into a bond, payable to the People of the State of Illinois, in a sum of not less than five thousand dollars, with two or more securities, approved by the court, and conditioned that he will faithfully discharge all the duties of his office, and the court may, from time to time, as occasion may require, demand additional security of such guardian, and may require him to give the usual bond required of guardians in other cases; and in default of giving such bond within sixty days after receiving his commission, or in default of giving additional security within such time as the court may fix, after being duly ordered by said court so to do, his office shall be deemed vacant, and upon the certificate of the county judge of such fact, the Governor shall fill the vacancy aforesaid.

APPROVED June 3, 1889.

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#### UNCLAIMED MONEYS.

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| § 1. Unclaimed moneys in the hands of guardian, upon final settlement, shall be deposited with the county treasurer. | § 2. How claimed and obtained by persons entitled thereto. |
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*AN ACT to provide for the disposal of unclaimed moneys in the hands of guardians.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That when any guardian shall have made final settlement with the county court, it shall be the duty of the court to order such guardian to deposit with the county treasurer such moneys as he may have belonging to any ward whose whereabouts may be unknown or belonging to the unknown heir or heirs of any deceased ward, or the heirs of any ward whose whereabouts may be unknown, and to take the receipt of such treasurer therefor, and to file such receipt in the office of the clerk of the county court where such settlement has been made.

§ 2. When money shall be deposited as aforesaid, the person or persons entitled to the same may at any time apply to the court making such order, and obtain the same upon making satisfactory proof to the court of his, her or their right thereto.

APPROVED May 10, 1889.

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HOSPITALS, PUBLIC.

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## NON-SECTARIAN.

§ 1. Authorizes cities and counties to contribute to the support of non-sectarian hospitals.

*AN ACT to enable cities and counties in this State to contribute towards the support of non-sectarian public hospitals located within their respective limits.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be lawful for any county or any city of this State to contribute such sum or sums of money towards the support of any non-sectarian public hospital for the sick or infirm, located within its limits, as the county board of the county, or city council of the city, shall deem discreet and proper.

APPROVED May 23, 1889.

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HOTELS AND EATING-HOUSES.

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## FRAUDS UPON.

§ 1. Obtaining food and accommodations with intent to defraud; penalties. | § 2. Fraud under this act defined: exceptions.

*AN ACT to define and punish frauds upon hotel, inn, boarding and eating-house keepers.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any person who shall obtain food, lodging or other accommodation at any hotel, inn, boarding or eating-house with intent to defraud the owner or keeper thereof, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding thirty days.

§ 2. Proof that lodging, food or other accommodation was obtained by false pretense, or by false or fictitious show or pretense of baggage, or that the party refused or neglected to pay for such food, lodging or other accommodation on demand, or that he or she absconded or left the premises without paying or offering to pay for such food, lodging or other accommodation, or that he or she surreptitiously removed or attempted to remove his or her baggage, shall be *prima facie* proof of the fraudulent intent mentioned in section one of this act, but this act shall not apply to regular boarders, nor when there has been an agreement for delay in payment.

APPROVED June 4, 1889.

## INSURANCE, ACCIDENT.

### ACCIDENT COMPANIES.

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| <p>§ 1. Incorporation of companies; policies.</p> <p>§ 2. Filing statement of incorporation with the Auditor; examination and certificate of the Attorney General; Auditor's certificate; record of papers.</p> <p>§ 3. Publication of charter; stock subscriptions.</p> <p>§ 4. Deposit of approved securities with the auditor of not less than \$100,000.</p> <p>§ 5. Upon the completion of the corporation, and the deposit of the required capital the Auditor shall issue a certificate of deposit; record of certificates in the county recorder's office.</p> <p>§ 6. Corporate powers; real and personal estate; real estate taken in satisfaction of debts, sale of.</p> <p>§ 7. Reinsurance reserve; dividends.</p> <p>§ 8. Capital and reserve essential.</p> <p>§ 9. Annual report to the Auditor.</p> <p>§ 10. Form of annual statements; enumerated items of statement.</p> <p>§ 11. Auditor's certificate to agents and solicitors.</p> <p>§ 12. Penalties for soliciting business without having complied with the requirements of this act.</p> <p>§ 13. Penalties for effecting insurance in violation of law.</p> | <p>§ 14. No business shall be transacted until this law has been complied with and license obtained under the insurance law of 1879.</p> <p>§ 15. Impairment of capital; Auditor shall cancel authority to do business until the capital has been made good; notice to company; penalties.</p> <p>§ 16. Companies retiring from business; surrender of capital on deposit.</p> <p>§ 17. Inquiries by the Auditor; replies to such inquiries by accident companies; examinations by the Auditor.</p> <p>§ 18. Foreign accident companies; appointment of an attorney in this State; service of process.</p> <p>§ 19. Companies organized in this State doing business in other States; requirements as to deposits, etc., made reciprocal.</p> <p>§ 20. Accident life insurance companies not organized in this State shall deposit with the Auditor a copy of its charter and a statement in form as required for the annual statement.</p> <p>§ 21. Auditor's fees.</p> |
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*AN ACT to incorporate and to govern accident life insurance companies doing business in the state of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any number of persons not less than nine (9) may associate and form an incorporated company, authorized and empowered to make contracts and to issue policies and certificates insuring and protecting persons against loss of life or personal injury resulting from accident, which policies or certificates shall state on their face the agreement with the persons receiving the same, and when executed in accordance with the charter and by-laws of said company shall be binding upon the same.

§ 2. The persons proposing to organize shall be designated as incorporators, and they shall file with the State Auditor a declaration signed by each of the incorporators setting forth their intentions to form a company for the purpose named in this act, which declaration shall comprise a statement, which shall set forth the name of the company, the place where it is to be located, the mode and manner in which the corporate powers of the company are to be exercised, the number of trustees or directors, and the manner of electing the same, a majority of whom shall be citizens of this State at the time of such election, the manner of filling vacancies, the amount of capital stock, which shall be at least two hundred thousand dollars (\$200,000) fully paid, in cash, and such other particulars as may be necessary to explain and make manifest the objects and purposes of the company, and the manner in which it is to be conducted. On the filing of such declaration as aforesaid, the Auditor shall submit the same to the Attorney General for examination, and if found by him to be in accordance with the provisions of this act and not inconsistent with the laws and constitution of this State, and of the United States, he shall certify to the same and deliver it back to the Auditor, who shall cause said declaration, with the certificate of the Attorney General, to be recorded in a book to be kept for that purpose, and he shall furnish a certified copy of such declaration and certificate to the incorporators.

§ 3. When the incorporators shall have received from the Auditor such certified copy and shall have published the same in a newspaper published in the county in which such insurance company is proposed to be located, they may then open books to receive subscriptions to the capital stock, and shall keep such books open until the amount required is fully subscribed, and shall proceed to collect in such capital and complete the organization.

§ 4. Before any accident life insurance company goes into operation under the provisions of this act, at least one hundred thousand dollars (\$100,000) shall be paid in money and

invested in the stocks of the United States, or of this State, or of any city or town of this State, estimated at their market value, or in such other stocks and securities as may be approved by the Auditor of Public Accounts, or in mortgages being first liens on real estate in this State, the said real estate being worth at least twice the amount of money loaned thereon, with abstract showing good and sufficient title, and the certificate of two reputable land owners under oath certifying to the value of said property, which shall be deposited with the Auditor of the State, but such company may collect and receive the interest and dividends thereon, and may withdraw such securities on depositing with the said Auditor other securities of like character and value.

§ 5. Whenever the corporators shall have fully organized such company, and the said company shall have deposited with the Auditor the amount of the capital required in section four (4), it shall become his duty to furnish the corporators with a certificate of deposit which, with the certified copy of said declaration previously received from the Auditor, when filed for record in the office of the recorder of deeds in the county where such company is to be located, shall be the authority to commence business and issue policies, and the same, or a certified copy thereof, shall be evidence in all suits.

§ 6. The trustees or directors, as the case may be, of any company organized under this act, shall have power to make such by-laws, not inconsistent with the laws of this State, as may be deemed necessary for the government of the officers and the conduct of its affairs, and the same when necessary to alter or amend, and they and their successors may have a common seal, and may change and alter the same at their pleasure, and such company, in its corporate name, may sue and be sued, may own so much real and personal estate as shall be necessary for the transaction of its business, and may sell and dispose of the same when deemed necessary, but all real estate acquired through the collection of debts shall not be held longer than five years, unless the company shall procure a certificate from the Auditor of Public Accounts that the interests of the company will suffer materially by a forced sale thereof: in which event the sale may be postponed for such a period as the Auditor shall direct in such certificate.

§ 7. Any company organized under the provisions of this act shall form a re-insurance reserve, which shall be fifty per cent. (50%) of the gross premiums of all outstanding policies. The stockholders shall be entitled to such annual dividends as may be agreed upon from time to time by the directors, if the net surplus over the requisite reservation is sufficient to pay the same.



§ 8. It shall not be lawful for any company, association, individual or individuals organized or doing business under the laws of this State or of any other state government, to transact the business of accident life insurance in this State, or to aid in the transaction of the same, unless such company, association, individual or individuals has or have conformed in such other State or in this State with the same requirements in regard to capital and reserve that are imposed by sections four (4) and seven (7) of this act upon companies in this State.

§ 9. Every accident life insurance company incorporated in this State, or doing business in this State, shall, on or before the first day of March in each year, transmit to the Auditor and file in his office a statement of its business standing and affairs, in such form as shall be prescribed by the Auditor of Public Accounts, adapted to the business done by such company, signed and sworn to by the president or vice-president and secretary, and made out for the year ending on the preceding thirty-first (31st) day of December.

§ 10. The form for annual statements accident life insurance companies shall be such as shall show:

First—Name of the company.

Second—When chartered.

Third—For what period.

Fourth—Where located.

Fifth—State in full the assets of the company.

Sixth—Number of shares owned in any bank; state par value, cost and the market value per share.

Seventh—Number of shares owned in any railroad, stating the corporate name of each and the amount invested in each, at cost, on its books; state the par value and the market value of each share.

Eighth—Amount owned in railroad bonds; state par value, cost and market value per share.

Ninth—Amount invested in real estate, at cost, on the books of the company.

Tenth—Amount loaned on mortgages of real estate, and estimated value of said real estate.

Eleventh—Amount loaned on notes secured by collaterals of personal property.

Twelfth—State in full all other investments.

Thirteenth—How much included in the foregoing statements of assets consists of premium notes on policies not returned as now in force.

Fourteenth—Number, date, kind, and amount of each outstanding policy, and age of the insured, excepting such policies as are subject to a valuation by the proper officer in some other State, which will be shown by certificate from the insurance department of such State.

Fifteenth—Number and amount of each class or kind of policies which have within the year ceased to be in force; how terminated; what has been paid to the legal holders of policies.

Sixteenth—Amount of losses ascertained and unpaid.

Seventeenth—Amount of losses claimed against the company; whether acknowledged as due or not by the company.

Eighteenth—Amount due from the company on its declared, promised, or acknowledged indebtedness, or other claims, including dividends, bonuses on distribution of surplus, or as profits.

Nineteenth—Amount received for premiums the past year.

Twentieth—Amount received for premiums in cash.

Twenty-first—Amount received for premiums in promissory notes or securities.

Twenty-second—Amount received for interest the past year.

Twenty-third—Amount paid for interest the past year.

Twenty-fourth—Amount of guaranty funds, and state particularly whether the same are in cash or subscription notes.

Twenty-fifth—How are dividends, distribution of surplus funds, bonuses or estimated profits paid? Whether in cash, scrip, or otherwise on credit, and whether on demand; or, if on credit, for what length of time, and whether payable at a specific rate, or indefinitely, at the discretion of the company.

Twenty-sixth—Amount paid for the expenses, taxes, and commissions the past year, classified.

§ 11. No person shall act as agent for any accident life insurance company or association incorporated by or organized under the laws of any other State of the United States, or any foreign country, directly or indirectly, taking risks or transacting the business of accident life insurance in this State, without procuring from the Auditor of the State a certificate of authority, stating that such company or association has complied with all the laws of this State relating to such companies or associations, which certificates shall continue in force until the first day of March next after their issue, unless revoked for cause.

§ 12. Whoever solicits any insurance on behalf of any accident life insurance company, association, individual or individuals, not having complied with all the provisions of this act, shall be subject to all the duties, requisitions, liabilities and penalties set forth in the provisions of this act relating to accident life insurance companies not incorporated by the Legislature of this State.

§ 13. Any company, association, individual or individuals making insurance in violation of the laws of this State regulating accident life insurance companies, or any person acting as agent for any such company, association, individual or individuals, shall forfeit for each offense a sum not exceeding one thousand dollars (\$1,000).

§ 14. It shall not be lawful for any company, association, individual or individuals to transact the business of accident life insurance in this State, nor shall any person act as agent for such company, association, individual or individuals unless such company, association, individual or individuals shall have complied with all the provisions of this act, and shall have obtained the license now required by the act entitled "An act for the better regulation of the business of insurance," approved June 4, 1879, in force July 1, 1879.

§ 15. Whenever the capital of any company, association, corporation, individual or individuals authorized to do business under this act shall become impaired to the extent of twenty-five per cent. (25 per cent.) of the same or shall otherwise become unsafe, it shall be the duty of the Auditor of the State to cancel the authority of such company, association, corporation, individual or individuals to do business; and the Auditor shall give notice to such company, association, corporation, individual or individuals to discontinue issuing new policies within the commonwealth until such capital stock has been made good. Any officer or agent who issues a new policy on behalf of such company, after such notice shall for each offense, forfeit a sum not exceeding one thousand dollars (\$1,000).

§ 16. If such company shall at any time cause all of its unexpired policies to be paid, cancelled or re-insured, and all its liabilities under such policies thereby to be extinguished, or to be assumed by some other responsible company authorized to do business in this State, the Auditor shall, on application of such company, verified by the oath of its president or secretary, and on being satisfied by an examination of its books and of its officers, under oath, that all of its policies are so paid, cancelled, extinguished, or re-insured, deliver up to it such security.

§ 17. The Auditor is hereby authorized and empowered to address any inquiries to any accident life insurance company, or to the secretary thereof in relation to its doings or conditions, or any other matter connected with its transactions, and it shall be the duty of any such company so addressed to reply promptly in writing to any such inquiries; and all such companies not incorporated under the law of this State failing to answer all such inquiries shall not be authorized to transact any business in this State, and their certificates of authority may be revoked and cancelled. It shall be the duty of the

Auditor to make or cause to be made an examination of the condition and affairs of any accident life insurance company doing business in this State, whenever he shall deem it expedient to do so; and also, whenever he shall have good reason to suspect the correctness of any annual statement, or that the affairs of any company making such statements are in an unsound condition.

§ 18. Every accident life insurance company not organized in this State, before doing business in this State, shall, in writing, appoint an attorney, resident in this State, upon whom all lawful process against the company may be served with like effect as if the company existed in this State; and said writing or power of attorney shall stipulate and agree on the part of the company making the same, that any lawful process against said company which was served on said attorney shall be of the same legal force and validity as if served on said company. The copy of the writing, duly certified and authenticated shall be filed in the office of the Auditor, and copies certified by him shall be sufficient evidence. This agency shall be continued while any liability remains outstanding against the company in this State, and the power shall not be revoked until the same power is given to another, and a like copy filed as aforesaid. Service upon said attorney shall be deemed sufficient service upon the company.

§ 19. Whenever the existing or future laws of any other State of the United States shall require of accident life insurance companies incorporated by or organized under the laws of this State, and having agencies in such other State, or of the agents thereof, any deposit of securities in such State for the protection of policyholders or otherwise, or any payment of taxes, fines, penalties, certificate of authority, license fee, or otherwise, greater than the amount required for such purposes from similar companies of other States by the then existing laws of this State, then, and in every such case, all accident life insurance companies of such States establishing, or having heretofore established an agency or agencies in this State, shall be and are hereby required to make the same deposit for a like purpose with the State Treasurer of this State, and to pay to the Auditor for taxes, fines, penalties, certificates of authority, license fees, or any other obligation, an amount equal to the amount of such charges and payments imposed by the laws of such other States upon the companies of this State and the agents thereof.

§ 20. Every accident life insurance company not organized under the laws of this State shall, before doing business in this State, deposit with the Auditor a certified copy of the charter of the company, and a statement signed and sworn to by the

president or vice-president and secretary in the form prescribed or authorized for the annual statement adapted to the business done by such company.

§ 21. For filing certified copies of charter as required by this act the Auditor shall be paid thirty dollars (\$30); for filing the annual statement, ten dollars (\$10); for each agent's certificate of authority, two dollars (\$2); for every copy of a paper filed in the Auditor's office, twenty cents (20) per folio; and for affixing the seal of said office to such copy, certifying the same, one dollar (\$1); for the examination required by section seventeen (17), and for the examination of the affairs of any company, when deemed necessary, the expense incurred therein shall be paid to the said Auditor by the company.

APPROVED June 7, 1889.

## INSURANCE, FIRE.

### INCORPORATION OF COMPANIES.

§ 1. Amends sections 6, 10, 12, 13, 21, 22 and 23 [and adds a new section "30a"] of the act of 1869.

Sec. 6. Joint stock companies must have a capital of \$100,000 paid in; mutual companies must have not less than \$200,000 insurance in not less than 100 risks subscribed and the premiums paid for one year aggregating \$10,000; annual premiums in mutual companies must be paid in advance and pro rata premium for a longer term; contingent mutual liability.

Sec. 10. Amended by inserting the words "or sub-cription" after "premium note."

Sec. 12. Amended by inserting the words "or mutual" after the word "participating" and before the word "companies," and providing for reserve funds for mutual companies.

Sec. 13. Rights and liabilities of members of mutual companies; impairment of capital; assessment to make good the capital; liability for assessments.

Sec. 21. Annual statement to the Auditor; items of statement enumerated; classification of risks by the Auditor; Auditor may make inquiries as to

the condition of companies; statement of capital composed of notes; failure to make reports; penalties: Auditor shall furnish blank forms for statements.

Sec. 22. Amended by requiring foreign mutual companies doing business in this State, except as allowed in section 13 of the act, unless its surplus capital equals the capital stock of stock companies; also by inserting the words in third paragraph next to last line thereof "or if a mutual company whose reinsurance reserve as required in section 13 of this act."

Sec. 23. Amended by inserting in the second paragraph in the fifth line the words "or if a mutual company the members thereof" after the word "stockholders" and before the word "to."

Sec. 30a. Authorizing companies now doing business to avail themselves of the privileges of this act.

AN ACT to amend sections 6, 10, 12, 13, 21, 22 and 23 of an act entitled "*An act to incorporate and to govern Fire, Marine and Inland Navigation Insurance Companies doing business in the State of Illinois,*" approved March 11, 1869, in force July 1, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 6, 10, 12, 13, 21, 22 and 23 be amended so as to read as follows:

Section 6. No joint stock company shall be incorporated under this act with a smaller capital than one hundred thousand dollars (\$100,000) actually paid in in cash.

Nor shall any company formed under this act for the purpose of doing the business of fire or inland navigation insurance on the plan of mutual insurance commence business until not less than two hundred thousand dollars (\$200,000) of insurance in not less than one hundred separate risks, no one of which for the purposes of organization shall exceed five thousand dollars (\$5,000) or be less than five hundred dollars (\$500), shall have been subscribed and the premium thereon for one year paid in cash, aggregating not less than ten thousand dollars (\$10,000) in cash, each subscriber agreeing in writing to assume a liability to be named in the policy subject to call by the board of directors.

Mutual fire insurance companies hereafter organized under this act shall charge and collect in advance upon their policies a full annual premium in cash on all policies written for one year and pro rata of an annual premium upon all policies written for a longer or shorter period, but such policies shall not compel any member or policyholder to renew any policy nor pay a second or further annual or term premium. Any such company must in its by-laws and in its policies fix by a uniform rule the contingent mutual liability of its members for the payment of losses and expenses, and such contingent liability shall not be less than three nor more than five times the cash premium as written in the policy; such liability shall cease with the expiration of the time for which a cash premium has been paid in advance except for liability incurred during said time; and it shall not be lawful for any such company to issue any other kind of policy, but this section shall not be construed to prohibit companies from taking deposit notes to the amount of the contingent liability named in their policies and by-laws.

Section 10. The charter and proof of publication herein required to be filed by every such company, shall be examined by the Attorney General and if found conformable to this act, and not inconsistent with the constitution or laws of this State, shall be certified by him to the Auditor of Public Accounts, who

shall thereupon cause an examination to be made, either by himself or by three disinterested persons, especially appointed by him for that purpose, who shall certify under oath, that the capital herein required of the company named in the charter, according to the nature of the business proposed to be transacted by such company, has been paid in, and is possessed by it in money, or in such stocks and bonds and mortgages as are required by the eighth section of this act, or if a mutual company, that it has received and is in actual possession of the capital, premiums or *bona fide* engagements of insurance or other securities, as the case may be, to the full extent and of the value required by the sixth section of this act; and the name and residence of the maker of each premium note or subscription forming part of the capital, and the amount of such note or subscription shall be returned to the said Auditor; and the corporators and officers of such company shall be required to certify, under oath, that the capital exhibited to those persons is *bona fide* property of the company. Such certificate shall be filed in the office of the said Auditor, who shall thereupon deliver to such company a certified copy of the charter and of said certificates, which, on being filed in the office of the clerk of the county where the company is to be located, shall be their authority to commence business and issue policies; and such certified copy of the charter and of said certificates may be used in evidence for or against said company, with the same effect with the originals, and shall be conclusive evidence of the fact of the organization of such company.

Section 12. It shall not be lawful for the directors, trustees or managers of any such insurance company to make any dividend, except from the surplus profits arising from their business; and in estimating such profits, there shall be reserved therefrom a sum equal to the whole amount of unearned premiums on unexpired risks and policies; and also, there shall be reserved all sums due the corporation on bonds and mortgages, stocks and book accounts of which no part of the principal or the interest thereon has been paid during the last year, and for which foreclosure or suit has not been commenced for collection, or which, after judgment obtained thereon, shall remain more than two years unsatisfied, and on which interest shall not have been paid; and also, there shall be reserved all interest due or accrued and remaining unpaid: *Provided, always,* that any company may declare dividends not exceeding ten per cent. on its capital stock in any one year that shall have accumulated and be in possession of a fund, in addition to the amount of its capital stock—And of such dividend, and all actual outstanding liabilities, equal to one-half of the amount of all premiums or risks not terminated at the time of making such dividend. Any dividend made contrary these provisions, shall

subject the company making the same to a forfeiture of its charter, and each stockholder receiving it, to a liability to the creditors of such company to the extent of the dividend received, in addition to the other penalties and punishments in such case made and provided. This section shall not apply to the declaration of scrip dividends by participating, or mutual, companies; but no such scrip dividends shall be paid except from surplus profits, after reserving all sums as above provided, including the whole amount of premiums on unexpired risks. The word "year," wherever used in this section, shall be construed to mean the calendar year, and the profits of a mutual insurance company are that portion of its cash funds not required for the payment of losses and expenses nor set apart for reinsurance reserve or any other purposes required by law. Any such company may, in its by-laws, provide for the accumulation of a permanent fund by reserving a portion of the net profits to be invested and become a reserve for the security of the insured; such reservation shall not in any one year exceed twenty-five per cent. of the net profits of that year, and when the sum so accumulated amounts to two per cent. of the sum insured by all policies in force, the whole of the net profits thereafter shall be divided among the insured upon the expiration of their policies. The fund so accumulated shall be used for the payment of losses and expenses, whenever the cash funds of the company in excess of the amount equal to its liabilities are exhausted, and whenever the said funds is drawn upon, the reservation of profits as aforesaid shall be renewed or continued until the limit of accumulation as herein provided is reached.

Section 13. Every person who effects insurance in a mutual company, his heirs, executors, administrators and assigns continuing to be insured shall thereby become members of the company during the period of insurance, and shall be bound to pay for losses and any such necessary expenses as may accrue in and to the company in proportion to the original amount of his deposit note or contingent liability, and the board of directors shall, as often as they deem necessary, settle and determine the sum to be paid by the several members thereof, and publish the same in such manner as they may choose, or as the by-laws prescribe, and the sum to be paid by each member shall always be in proportion to the amount of such contingent liability, and shall be paid to the officers of the company within thirty days next after the publication of such notice: *Provided*, that whenever such company is not possessed of cash funds above its reinsurance reserve sufficient for the payment of incurred losses and expenses, it shall be deemed to have impaired its capital; and when such impairment shall exceed twenty-five per cent. of the reinsurance reserve required to be maintained, it shall make



an assessment for the amount needed to pay such losses and expense, and make good the reinsurance reserve upon its members liable to assessment therefor in proportion to their several liabilities, but no company shall borrow money or create a debt unless for the purpose of necessary office building to continue beyond the period when such assessment may be collected and applied to the payment thereof; and no member shall be assessed for liabilities incurred prior to his membership. If a member neglect or refuse, for the space of thirty days after the publication of such notice, and after demand for payment, to pay the sum assessed upon him as his proportion for any loss as aforesaid, the directors may sue for and recover the whole amount of contingent liability with costs of suit, but execution shall only issue for assessments and costs as they accrue, and if the whole amount of such liability be insufficient to pay the loss occasioned by any fire or fires, the sufferers insured by the company shall receive, towards making good their respective losses, a proportionate share of the whole amount of such liability according to the sums by them respectively insured, but no member shall ever be required to pay for any loss caused by fire or inland navigation, more than the whole amount of such liability. In actions for the recovery of assessments levied by the directors of any fire insurance company in this State, or for money due on the liability of any members of said company or officers, the statement of the president and secretary of said company, under seal and sworn to, shall be received in court as evidence of the fact essential for making the same, and that such assessment, for the non-payment of which said action has been commenced, has been duly levied and notice thereof given.

Section 21. It shall be the duty of the president or vice-president and secretary of each company organized under this act, or incorporated under any law of this State, annually, on the first day of January of each year, or within one month thereafter, to prepare under their own oath, and deposit in the office of the Auditor of Public Accounts, a statement of the condition of such company on the thirty-first day of December then next preceding, exhibiting the following facts and items in the following form, namely:

First—The amount of the capital stock of the company actually paid in.

Second—The property or assets held by the company, specifying—

I. The value, or as nearly as may be, of the real estate held by such company.

II. The amount of cash on hand and deposited in the banks to the credit of the company, specifying in what banks the same are deposited.

III. The amount of cash in the hands of agents and in course of transmission.

IV. The amount of loans secured by mortgages and bonds, constituting the first lien on real estate, on which there shall be less than one year's interest due or owing.

V. The amount of loans on which interest shall not have been paid within one year previous to such statement.

VI. The amount due the company on which judgments have obtained.

VII. The amount of stocks of this State, of the United States, of any incorporated city of this State, and of any other stocks owned by the company, specifying the amount, number of shares, and par and market value of each kind of stock.

VIII. The amount of stocks held thereby as collateral security for loans, with the amount loaned on each kind of stock, its par value and the market value.

IX. The amount of assessments on stock or premium notes, (paid and unpaid) specifying each.

X. The amount of interest actually due and unpaid.

XI. The amount of premium notes on hand on which policies are issued.

XII. The amount of installment notes on hand on which policies are issued.

XIII. The amount of contingent liability of members under this act not represented by deposit notes.

Third—The liability of such company, specifying:

I. The amount of losses due and yet unpaid.

II. The amount of claims for losses resisted by the company.

III. The amount of losses incurred during the year, including those claimed and not yet due, and including the probable amount of those reported to the company, upon which no action has been taken.

IV. The amount of dividends declared and due, and remaining unpaid.

V. The amount of dividends, if any, declared, but not yet due.

VI. The amount of money borrowed, and security, if any, given for the payment thereof.

VII. All other existing claims against the company, and also the gross amount of outstanding risks, and the gross amount of premiums thereon unearned.

Fourth—the income of the company during the preceding year, specifying:

I. The amount of cash premiums received.

II. The amount of notes received for premiums.

III. The amount of interest money received.

IV. The amount of income received from other sources.

Fifth—The expenditures during the preceding year, specifying:

I. The amount of losses paid during the year, stating how much of the same accrued prior, and how much subsequent, to the date of the preceding statement, and the amount at which such losses were estimated in such preceding statement.

II. The amount of dividends paid during the year.

III. The amount of expenses paid during the year, including commissions and fees to agents and officers of the company.

IV. The amount paid in taxes, specifying the amount paid in this State.

V. The amount of all other payments and expenditures.

It shall be the duty of the Auditor to establish a classification of risks into any number of classes, not less than four, according to the degree of hazard of such risks; and the Auditor shall require said companies, as a part of the aforementioned statement, to give the number of policies in force covering property embraced in each of said classes, and the aggregate amount at risk upon property in each class.

The Auditor of Public Accounts is hereby authorized and empowered to address any inquiries to any insurance company, or the secretary thereof, in relation to its doings or condition, or any other matter connected with its transactions; and it shall be the duty of any company so addressed to promptly reply, in writing, to any such inquiries.

The statement of any company, the capital of which is composed in whole or in part of notes, shall, in addition to the foregoing, exhibit the amount of notes originally forming the capital, and also what proportion of said notes is still held by such company and considered capital. The statements herein provided for shall be in lieu of any and all statements now required by any existing law; and the several provisions of the acts approved February 14, 1855, and January 22, 1857, are hereby repealed.

Every insurance company organized under any law of this State, failing to make and deposit such statements, or to reply to any inquiry of the said Auditor, shall be subject to the penalty of five hundred dollars (\$500), and an additional five hundred dollars (\$500) for every month that such company shall continue thereafter to transact any business of insurance.

It shall be the duty of the Auditor of Public Accounts to cause to be prepared and furnished to each of the companies,

and to the attorneys of companies incorporated by other States and foreign governments, printed forms of the statements required by this act; and he may, from time to time, make such changes in the form of such statements as shall seem to him best adapted to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore mentioned. It shall be the duty of the Auditor of Public Accounts to cause the information contained in the statements required by this section, to be arranged in a tabular form and printed in his biennial report.

Section 22. It shall not be lawful for any insurance company, association or partnership, incorporated by or organized under the laws of any other State of the United States, or any foreign government, for any of the purposes specified in this act, directly or indirectly, to take risks or transact any business of insurance in this State, unless possessed of the amount of actual capital required of similar companies formed under the provisions of this act; nor shall it be lawful for any mutual insurance company of any other State to transact any kind of business within this State other than that prescribed by section 13 of this act, unless said company is possessed of an amount of cash assets over and above all liabilities, including reinsurance reserve, equal to the amount of capital stock required of stock companies; and any such company desiring to transact any such business as aforesaid, by any agent or agents in this State, shall first appoint an attorney in this State, on whom process of law can be served, and file in the office of the Auditor of Public Accounts a written instrument, duly signed and sealed, certifying such appointment, which shall continue until another attorney be substituted; and any process issued by any court of record in this State, and served upon such attorney by the proper officer of the county in which such attorney may reside or may be found, shall be deemed a sufficient service of process upon such company: but service of process upon such company may also be made in any other manner provided by law.

In case any insurance company not incorporated in this State shall cease to transact business in this State, according to the laws thereof, the agents last designated, or acting as such for such corporation, shall be deemed to continue agents for such corporation for the purpose of serving process for commencing action upon any policy or liability issued or contracted while such corporation transacted business in this State, and service of such process for the causes aforesaid upon any such agent, shall be deemed a valid personal service upon such corporation.

And every such company, association or partnership, shall also file a certified copy of their charter or deed of settlement,

together with a statement, under the oath of the president or vice-president, or other chief officer, and secretary of the company for which he or they may act, stating the name of the company and place where located, the amount of its capital, with a detailed statement of its assets, showing the amount of cash on hand, in bank or in the hands of agents; the amount of real estate and how much the same is encumbered by mortgage; the number of shares of stock of every kind owned by the company; the par and market value of the same; amount loaned on bond and mortgage; the amount loaned on other security, stating the kind and the amount loaned on each, and the estimated value of the whole amount of such securities; any other assets or property of the company; also stating the indebtedness of the company; the amount of losses adjusted and unpaid; the amount incurred and in process of adjustment; the amount resisted by the company as illegal and fraudulent, and all other claims existing against the company; also a copy of the last annual report, if any, made under any law of the State by which such company was incorporated; and no agent shall be allowed to transact business for any such company whose capital (or, if a mutual company, whose reinsurance reserve as required in section 13 of this act) is impaired to the extent of twenty per cent. thereof, while such deficiency shall continue.

And any company incorporated by or organized under any foreign government shall, in addition to the foregoing, deposit with the Auditor of Public Accounts, for the benefit and security of policy holders residing in the United States, a sum not less than two hundred thousand dollars (\$200,000), in stocks of the United States, or of the State of Illinois, in all cases to be equal to a stock producing six per cent. per annum—said stocks not to be received by said Auditor at a rate above their par value, or above their current market value—or in bonds and mortgages on improved unincumbered real estate in the State of Illinois, worth fifty per cent. more than the amount loaned thereon.

The stocks and securities so deposited may be exchanged, from time to time, for other securities, receivable as aforesaid.

And so long as the company so depositing shall continue solvent, and comply with the laws of this State, such company or association may be permitted by the said Auditor to collect the interest or dividends on said deposits; and where a deposit is made of bonds and mortgages, accompanied by full abstracts of title and searches, the fees for an examination of title by counsel, to be paid by the party making the deposit, shall not exceed twenty dollars for each mortgage, and the fee for an appraisal of property shall be five dollars to each appraiser, not exceeding two, besides expenses for each mortgage.

Nor shall it be lawful for any agent or agents to act for any company or companies referred to in this section, directly or indirectly, in taking risks or transacting the business of fire or inland navigation insurance in this State, without procuring from the Auditor of Public Accounts a certificate of authority, stating that such company has complied with all the requisitions of this act which apply to such companies, and the name of attorney appointed to act for the company.

The statement and evidences of investments required by this section shall be renewed from year to year, in such manner and form as may be required by said Auditor, with an additional statement of the amount of premiums received and losses incurred in this State during the preceding year, so long as such agency continues; and the said Auditor, on being satisfied that the capital, securities and investments remain secure, as hereinbefore provided, shall furnish a renewal of the certificate, as aforesaid.

Any violation of any of the provisions of this act shall subject the party violating the same to a penalty of five hundred dollars (\$500.00) for each violation, and of the additional sum of one hundred dollars (\$100.00) for each month during which any such agent shall neglect to file such affidavits and statements as are herein required.

Every agent of any insurance company shall, in all advertisements of such agency, publish the location of the company, giving the name of the city, town or village in which the company is located, and the State or government under the laws of which it is organized. The term "agent" or "agents" used in this section shall include an acknowledged agent, surveyor, broker, or any other person or persons who shall in any manner aid in transacting the insurance business of any insurance company not incorporated by the laws of this State.

The provisions of this section shall apply to all foreign companies, partnership associations and individuals whether incorporated or not. All insurance companies, associations or partnerships incorporated by or organized under the laws of any other State of the United States, or any foreign government, transacting the business of fire or marine insurance, or any other kind of insurance, in this State, shall make annual statements of their condition and affairs to the Auditor's office, in the same manner and in the same form as similar companies organized under the laws this State.

In case of neglect or refusal to make such annual statement as aforesaid, all persons acting in this State as agents or otherwise, in transacting the business of insurance for said companies, corporations, associations, partnerships or individuals, shall be subject to the same penalties provided by law in case

of the failure of any insurance company organized under the laws of this State to make an annual statement, as provided in this act.

Foreign insurance companies shall be required to make and file their annual statements and evidences on the first day of January in each year, or within thirty days thereafter, made out for the year ending on the preceding 30th of September. The supplementary annual statements of their business and affairs in the United States, duly verified by the resident manager of such company, shall be filed in the month of January in each year, made out for the year ending the 31st day of December, immediately preceding.

Section 23. It shall be the duty of the Auditor of Public Accounts, whenever he shall deem it expedient so to do, in person or by one or more persons to be appointed by him for that purpose, not officers or agents of, or in any manner interested in, any insurance company doing business in this State, except as policyholders, to examine into the affairs of any insurance company incorporated in this State, or doing business by its agents in this State; and it shall be the duty of the officers or agents of any such company, doing business in this State, to cause their books to be opened for the inspection of the Auditor or the person or persons so appointed, and otherwise to facilitate such examinations, so far as it may be in their power to do, and to pay all reasonable expenses incurred therein; and for that purpose, the said Auditor or person or persons so appointed by him, shall have the power to examine, under oath, the officers and agents of any company, relative to the business of said company; and whenever the said Auditor shall deem it for the best interests of the public so to do, he shall publish the result of said investigation in one or more papers in this State.

And whenever it shall appear to the said Auditor, from such examination, that the assets of any company incorporated in this State are insufficient to justify the continuance in business of any such company, he may direct the officers thereof to require the stockholders (or if a mutual company the members thereof) to pay in the amount of such deficiency, within such period as he may designate in such requisition; or he shall communicate the fact to the Attorney General, whose duty it shall then become to apply to the circuit court of the county in which the principal office of said company shall be located, for an order requiring them to show cause why the business of such company should not be closed; and the court shall thereupon proceed to hear the allegations and proofs of the respective parties; and in case it shall appear to the satisfaction of said court that the assets and funds of said company are not sufficient, as aforesaid, or that the interests of the public so require, the said court

shall decree a dissolution of said company, and a distribution of its effects. The said circuit court shall have power to refer the application of the Attorney General to a master in chancery, to inquire into and report upon the facts stated therein. Any company receiving the aforesaid requisition from the said Auditor, shall forthwith call upon its stockholders for such amounts as will make its capital equal to the amount fixed by the charter of said company; and in case any stockholder of such company shall refuse or neglect to pay the amount so called for, after notice personally given, or by advertisement, in such time and manner as the said Auditor shall approve, it shall be lawful for the said company to require the return of the original certificate of stock held by such stockholder, and, in lieu thereof, to issue new certificates for such number of shares as the said stockholder may be entitled to, in the proportion that the ascertained value of the funds of the said company may be found to bear to the original capital of the said company—the value of such shares, for which new certificates shall be issued, to be ascertained under the direction of the said Auditor, and the company paying for the fractional parts of shares; and it shall be lawful for the directors of such company to create new stock, and dispose of the same, and to issue new certificates therefor, to an amount sufficient to make up the original capital of the company.

And it is hereby declared that, in the event of any additional losses accruing upon new risks taken after the expiration of the period limited by the said Auditor, in the aforesaid requisition for the filling up of the deficiency in the capital of such company, and before said deficiency shall have been made up, the directors shall be individually liable to the extent thereof.

And if, upon such examination, it shall appear to the said Auditor that the assets of any company chartered on the plan of mutual insurance, under this act, are insufficient to justify the continuance of such company in business, it shall be his duty to proceed in relation to such company in the same manner as is herein required in regard to joint stock companies; and the trustees or directors of such company are hereby made personally liable for any losses which may be sustained upon risks taken after the expiration of the period limited by said Auditor for filling up the deficiency in the capital, and before such deficiency shall have been made up.

Any transfer of the stock of any company organized under this act, made during the pending of any such investigation, shall not release the party making the transfer from his liability for losses which may have accrued previous to the transfer.

And whenever it shall appear to the said Auditor, from the report of the person or persons appointed by him, that the affairs of any company not incorporated by the laws of this



State are in an unsound condition, he shall revoke the certificates granted in behalf of such company, and shall cause a notification thereof to be published in a newspaper of general circulation, published in the city of Springfield, and mail a copy thereof to each agent of the company; and the agent or agents of such company, after such notice, shall be required to discontinue the issuing of any new policy, and the renewal of any previously issued.

Section 30a. Companies organized under the laws of this State and actually doing business at the time of the passage of this amendment, may avail themselves of the provisions of this act as amended, by depositing with the Auditor of Public Accounts a resolution adopted by their board of directors and certified to under oath by the president and secretary of such company, and not otherwise, and any such company shall thereafter be subject to all of the provisions of this act.

APPROVED June 6, 1889.

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#### TOWNSHIP COMPANIES.

§ 1. Amends section 1, act of 1874, by changing the word "six," to "twelve."

AN ACT to amend section one of an act entitled "*An act to revise the law in relation to township insurance companies,*" approved March 24, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one of an act entitled "*An act to revise the law in relation to township insurance companies,*" approved March 24, 1874, and in force July 1, 1874, be and the same is hereby amended to read as follows:

Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any number of persons, not less than twenty-five, residing in any congressional or political township, or in one or more adjoining congressional or political townships in this State, not exceeding twelve in number, and without regard to county lines, who collectively shall own property of not less than fifty thousand dollars (\$50,000) in value, which they desire to have insured, may form an incorporated company for the purpose of mutual insurance against loss or damage by fire or lightning.

APPROVED June 1, 1889.

## TOWNSHIP COMPANIES.

- § 1. Amends section 18, act of 1874, by authorizing the extension of corporate existence and prescribing the proceedings necessary to accomplish such purpose; rights reserved to the State; dissolution of companies.

*AN ACT to amend section eighteen (18) of an act entitled "An act to revise the law in relation to township insurance companies," approved March 24, 1874.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section eighteen of the act of the General Assembly of the State of Illinois, entitled "An act to revise the law in relation to township insurance companies," approved March 24, 1874, be and the same is hereby amended so as to read as follows:

Section 18. Whenever any township insurance company, incorporated under the laws of this State, shall, at any time within five years previous to the termination of its charter, decide, by a majority of two-thirds of its directors to extend the period of its corporate existence, or to otherwise amend its charter, the president and secretary of such company shall cause to be filed with the Auditor of Public Accounts a statement under the seal of said company, and by them duly attested, stating the fact of the decision of such company to so extend the period of its corporate existence, or to amend its charter, or both, stating particularly the time of such extension and the nature of such amendments, and if it is found conformable to the provisions of this act, and not inconsistent with the laws and constitution of this State, the Auditor shall issue an amended charter in accordance with the vote of the directors of such company, and deliver a certified copy thereof to the said company, and upon the same being filed in the office of the clerk of the county in which the principal office of such company is located by such company, the period of its corporate existence shall be so extended, and it shall be authorized to transact any and all business contemplated by such amendments: *Provided, however,* that such company and its charter, when so amended, shall, at all times, be subject to control and modification by the General Assembly and to all laws of this State applicable thereto: and all companies organized under this act may be proceeded against and dissolved in the same manner and upon the same conditions, as provided in case of other insurance companies incorporated under the laws of this State.

APPROVED June 4, 1889.

## INSURANCE, LIVE STOCK.

## MUTUAL LIVE STOCK COMPANIES.

§ 1. Amends section 3 of the act of 1887 by fixing the number of directors at nine; changes the annual meeting from January to February; fixes the term of office of directors at three years.

Amends section 12 by adding the proviso.

AN ACT to amend sections three (3) and twelve (12) of an act entitled "*An act to organize Farmers' County Mutual Live Stock Insurance Companies,*" approved June 16, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections three (3) and twelve (12) of an act entitled "*An act to organize Farmers' Mutual Live Stock Insurance Companies,*" approved June 16, 1887, in force July 1, 1887, be amended so as to read as follows:

Section 3. The number of directors shall be nine (9), to be elected from the incorporators, by ballot. In the election of the first board of directors each corporator shall be entitled to one vote for each director. All subsequent elections, except to fill vacancies, shall be held at the annual meeting of the company, which shall be held on the first Tuesday after the first Monday of February in each year, and every person insured shall be entitled to as many votes as there are directors to be elected, and may cast the same in person or by proxy, distributing them among the same or a less number of candidates than the number of directors to be elected, or accumulating them upon one candidate as he shall think fit. The directors shall be elected for three years, and shall hold their offices until their successors are elected and qualified: *Provided*, that at the first annual election three directors shall be elected for one year, three for two years, and three for three years.

Section 12. Whenever the amount of any loss shall have been ascertained, which exceeds in amount the cash fund of the company, the president shall convene the directors of said company, who shall make an assessment upon all of the insured property at such uniform rate as they shall deem necessary to meet the payment of losses: *Provided*, that if no quorum be present the secretary shall enter the fact upon his journal, and the names of the directors present, whereupon the president, secretary and

treasurer shall proceed to estimate the rate per cent. necessary to cover the loss and expense thereby incurred, and assess the same upon all the insured property of the several members of the said company, which assessment shall be valid and shall be collected in the same way as though it had been made by the board of directors.

APPROVED June 3, 1889.

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## INSURANCE, TORNADO.

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### COUNTY MUTUAL TORNADO COMPANIES.

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| <p>§ 1. Incorporation of companies.</p> <p>§ 2. Statement and copy of charters shall be filed with the Auditor; Auditor's certificate; rights reserved to the State.</p> <p>§ 3. Directors; annual meetings of the company.</p> <p>§ 4. Officers of the company; term of office.</p> <p>§ 5. Secretary and treasurer shall give bonds.</p> <p>§ 6. Corporate powers.</p> <p>§ 7. Membership; non-residents of the county not eligible to the office of director.</p> <p>§ 8. Class of property which may be insured; limitation of risks; security for expenses and payment of losses.</p> <p>§ 9. Risks must be confined to the county in which the company is organized; property in cities of over 12,000 population prohibited.</p> | <p>§ 10. Losses; notice of loss to the president; adjustment of losses; committees of reference in case of failure to agree upon the amount of the loss; compensation of said committee.</p> <p>§ 11. Assessments to pay losses.</p> <p>§ 12. Notice of assessments; when payable.</p> <p>§ 13. Liability of members on assessments; liability of companies for losses; recovery at law.</p> <p>§ 14. Annual statement by the secretary.</p> <p>§ 15. Withdrawal of members; cancellation of policies.</p> <p>§ 16. Reports to the Auditor; examination and certificate; fees for incorporation and examinations.</p> <p>§ 16. Dissolution of companies.</p> |
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AN ACT to authorize the organization and to regulate county mutual wind storm insurance companies.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any number of persons not less than twenty-five, residing in any county in this State, who shall collectively own property of not less than fifty thousand dollars (\$50,000) in value, which they desire to have insured, may form an incorporated company for the purpose of mutual insurance against loss or damage by wind storms,

§ 2. Such persons shall file with the Auditor of Public Accounts a declaration of their intention to form a company for the purposes expressed in the preceding section, which declaration shall be signed by all the corporators and shall contain a copy of the charter proposed to be adopted by them. Such charter shall set forth the name of the corporation, which shall embrace the name of the city, town or village in which the business office of the company is to be located, and the intended duration of the company, and if it is found conformable to this act and not inconsistent with the laws and constitution of this State, the Auditor shall thereupon deliver to such persons a certified copy of the charter, which, on being filed in the office of the county clerk of the county where the office of such company is to be located, shall be their authority to organize and commence business. Such certified copy may be used in evidence for or against said company with the same effect as the original: *Provided*, that such charter so obtained shall be subject to the control of, and modification by the General Assembly.

§ 3. The number of directors shall be not less than nine nor more than fifteen, a majority of whom shall constitute a quorum to do business—to be elected by ballot from the corporators and hold their offices until their successors are elected and qualified. In the election of the first board of directors each corporator shall be entitled to vote in the manner as hereinafter designated. All subsequent elections, except to fill vacancies, shall be held at the annual meeting of the company, which shall be on the first Saturday in November in each year, and every person insured shall be entitled to cast in person by ballot one vote for each one of the number of directors to be elected.

§ 4. The directors shall elect from their number a president and a treasurer, and shall also elect a secretary who is not a director, but may or may not be a member of the company, all of whom shall hold their offices for one year, and until their successors are elected and qualified.

§ 5. The treasurer and secretary shall each give bond for the faithful performance of their duties, in such amounts as shall be prescribed by the board of directors.

§ 6. Such corporation and its directors shall possess the usual powers and be subject to the usual duties of corporations and directors thereof, and may make such by-laws not inconsistent with the constitution and laws of this State, as may be deemed necessary for the management of its affairs in accordance with the provisions of this act; also to prescribe the duties of its officers and fix their compensation, and to alter and amend its by-laws when necessary.

§ 7. Any person owning property in the county for which any such company is formed, may become a member of such company by insuring therein and shall be entitled to all the rights and privileges appertaining thereto, but no person not residing in the county in which the company is formed shall become a director of such company.

§ 8. Such company may issue policies only on dwellings, barns and other farm building, churches and school houses, and such property as may be properly contained therein, for any time not exceeding five years, and not to extend beyond the limited duration of the charter, and for an amount not to exceed three thousand dollars (\$3,000) on any one risk. All persons so insured shall give their obligations to the company, binding themselves, their heirs and assigns to pay their *pro rata* share to the company of the necessary expenses and of all losses by wind storms which may be sustained by any member thereof during the time for which their respective policies are written, and they shall also at the time of effecting the insurance pay such percentage in cash, and such other charges as may be required by the rules or by-laws of the company.

§ 9. No such company shall insure any property beyond the limits of the county comprised in the formation of the company, nor shall they insure any property within the limits of any city containing over twelve thousand (12,000) inhabitants at the time of the organization of the company.

§ 10. Every member of such company who may sustain loss or damage by wind storms shall immediately notify the president of the company, or in his absence the secretary thereof, stating the amount of damage or loss claimed, and if not more than fifty dollars (\$50) then the president and secretary shall proceed to ascertain the amount of such loss or damage and adjust the same. If the claim for damage or loss shall be an amount greater than fifty dollars (\$50) then the president of such company, or in case of his absence, the secretary shall forthwith convene the directors of such company, whose duty it shall be, when convened, to appoint a committee of not less

than three members of such company to ascertain the amount of such loss or damage. If in either case there is a failure of the parties to agree upon the amount of such damage or loss, the claimant may appeal to the judge of the county court of the county in which such company is located, whose duty it shall be to appoint three persons as a committee of reference who shall have full authority to examine witnesses and to determine all matters in dispute, and shall make their award in writing to the president of such company, and such award shall be final. The pay of such committee shall be two dollars (\$2.00) per day for each day's services so rendered, and four cents for each mile necessarily traversed in the discharge of their duties, which shall be paid by the claimant unless the award of said committee shall exceed the sum offered by the company in liquidation of such loss or damage, in which case said expenses shall be paid by the company.

§ 11. Whenever the amount of any loss shall have been ascertained, which exceeds in amount the cash funds of the company, the president shall convene the directors of the company, who shall make an assessment of such amount upon all the property, distributing the same *pro rata* against such several pieces of property insured by the company.

§ 12. It shall be the duty of the president, whenever such assessment shall have been made, to immediately notify every person composing such company, personally, by agent, or by letter and sent to his usual postoffice address, of the amount of such loss the sum due from him as his share thereof, and of the time when, and to whom payment is to be made, but such time shall not be less than thirty nor more than ninety days from the date of such notice.

§ 13. Suits at law may be brought against any member of such company who shall neglect or refuse to pay any assessment made upon him by the provisions of this act; and the directors of any company so formed, who shall willfully refuse or neglect to perform the duties imposed upon them by the provisions of this act, shall be liable in their individual capacity to the person sustaining such loss. Suits at law may also be brought and maintained against any such company by members thereof for losses sustained, if payment is withheld after such losses have become due.

§ 14. It shall be the duty of the secretary to prepare an annual statement showing the condition of such company on the thirty-first day of October, and present the same at the annual meeting.

§ 15. Any member of such company may withdraw therefrom by surrendering his policy for cancellation at any time while the company continues the business for which it was organized, by giving notice in writing to the secretary thereof and paying his

share of all claims then existing against said company: *Provided*, that by the withdrawal of any such member, the members remaining in the company shall not be reduced below the original number of corporators, or the assets be reduced below the sum of fifty thousand dollars (\$50,000): *Provided, further*, that the company shall have power to cancel or terminate any policy by giving the insured notice to that effect.

§ 16. It shall be the duty of the president and secretary of every such company on the first day of November of each year, or within one month thereafter, to prepare under their own oath, and transmit to the Auditor of Public Accounts a statement of the condition of the company on the first day of October then next preceding, in such form as the Auditor may direct. If upon examination, he is of the opinion that such company is doing business correctly in accordance with the provisions of this act, he shall thereupon furnish the company his certificate, which shall be deemed authority to continue business the ensuing year, subject, however, to the provisions of this act. For such examination and certificate the company shall pay one dollar. Each company shall pay at the time of organization ten dollars (\$10) for the Auditor's services, all of which shall be paid into the State treasury and applied to the insurance fund.

§ 17. Any such company may be proceeded against and dissolved in the manner and upon the same conditions as provided in case of other insurance companies incorporated in this State.

APPROVED June 4, 1889.

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## JUDGMENTS AND EXECUTIONS.

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### JUDGMENTS IN JUSTICES' COURTS.

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| § 1. Executions may issue on judgments of justices of the peace within seven years. | § 2. Suit may be brought on judgment within ten years.<br>§ 3. Time of appeal not counted. |
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*AN ACT to fix the time within which an execution may issue on a judgment of a justice of the peace, and within which a suit may be brought upon such judgment.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That executions shall be allowed to issue upon a judgment of a justice of the



peace at any time within seven years next after the rendition thereof, and not afterwards, provided no execution shall issue within the first twenty days after rendition, except upon oath as now required by law.

§ 2. A suit may be brought upon a judgment of a justice of the peace at any time within ten years next after the rendition thereof, and not afterwards.

§ 3. The time during which any judgment of a justice of the peace may be in any other court on appeal shall not be counted as part of said time provided in sections one and two of this act.

APPROVED May 27, 1889.

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#### LIMITATION OF LIENS.

§ 1. Amends section 1, act of 1872, by authorizing transcripts of judgments from one county to another.

AN ACT to amend section one (1) of an act entitled "*An act in regard to judgments and decrees, and the manner of enforcing the same, by execution, and to provide for the redemption of real estate sold under execution or decree,*" approved March 22, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one (1) of an act entitled "*An act in regard to judgments and decrees, and the manner of enforcing the same by execution, and to provide for the redemption of real estate sold under execution or decree,*" approved March 22, 1872, in force July 1, 1872, be and the same is hereby amended so as to read as follows:

Section 1. A judgment of a court of record shall be a lien on the real estate of the person against whom it is obtained situated within the county for which the court is held, from the time the same is rendered or revived for the period of seven years and no longer: *Provided*, that there shall be no priority of the lien of one judgment over that of another rendered at the same term of court, or on the same day in vacation; and upon the filing in the office of the clerk of any court of record in any county in this State, of a transcript of a judgment or decree

rendered in any other county of this State, such judgment shall have the like force and effect, and shall be a lien upon the real estate of the party against whom the same is obtained in said county where filed, and execution may issue thereon in said county, in like manner as in the county where originally obtained. When execution is not issued on a judgment within one year from the time the same becomes a lien, it shall thereafter cease to be a lien, but execution may issue upon such judgment at any time within said seven years, and shall become a lien on such real estate from the time it shall be delivered to the sheriff, or other proper officer, to be executed.

APPROVED June 3, 1889.

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#### REDEMPTION OF REAL ESTATE.

§ 1. Amends the act of 1874, by adding a section numbered "27a".

Section 27a. Payment of taxes by the purchaser during the time of redemption; recovery of the amount so paid, with interest.

*AN ACT to amend an act entitled "An act in regard to judgments and decrees, and the manner of enforcing the same by execution, and to provide for the redemption of real estate sold under execution or decree," approved March 22, 1872, in force July 1, 1872.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "An act in regard to judgments and decrees, and the manner of enforcing the same by execution, and to provide for the redemption of real estate sold under execution or decree," approved March 22, 1872, in force July 1, 1872, be amended by adding after section twenty-seven, a section to be numbered section 27a, to read as follows:

Section 27a. Whenever any real estate is sold under any judgment or decree of any court, the holder of the certificate of such sale shall have the right to pay all taxes and assessments, which are, or may become a lien on such real estate during the time of redemption running on such sale, and whenever redemption is made from such sale, the party or parties entitled to redeem shall pay to the holder of such certificate of sale, or to the sheriff, master in chancery, or other officer who sold the same, or his successor in office, in addition to the amount due

on such certificate, the amount paid by the holder thereof for such taxes and assessments, together with interest thereon at the rate of eight per cent. per annum, if before such redemption is made a receipt or receipts for such taxes or assessments shall be filed with the sheriff, master in chancery, or other officer who made such sale or exhibited by the holder of such certificate in case redemption is made directly to the holder of such certificate.

APPROVED June 4, 1889.

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UNITED STATES COURTS IN THIS STATE.

§ 1. Judgments and decrees of the United States courts to be made a matter of record the same as judgments of State courts.

AN ACT *to give effect to the acts of Congress regulating the liens of judgments and decrees of courts of the United States.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That judgments and decrees of courts of the United States, held within this State, and all writs, returns, certificates of the levy of a writ, and records of said courts, may be registered, recorded, docketed, indexed or otherwise dealt with in the public offices of this State, so as to make them conform to the rules and requirements relating to judgments and decrees of courts of this State.

APPROVED April 29, 1889.

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JUSTICES AND CONSTABLES.

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## TRANSCRIPTS IN PRELIMINARY TRIALS.

- § 1. Justices and police magistrates shall file transcripts of the case when the prisoner has been held, with the fees, and upon conviction of the prisoner the fees shall be taxed as in appeal cases.

*AN ACT authorizing justices of the peace and police magistrates to file transcripts after preliminary examinations on criminal charges.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all preliminary examinations before justices of the peace or police magistrates, when the prisoner has been held to await the action of the grand jury, the justice or police magistrate shall make and file with the clerk of the court to which the prisoner has been held, a transcript giving a brief statement of the case, and the fees of the justice or magistrate and other officers and witnesses engaged in the preliminary proceedings, and such fees shall, upon conviction of the prisoner in the trial court, be taxed by the clerk thereof, and collected as in appeal cases.

APPROVED June 4, 1889.

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LIBRARIES, PUBLIC.

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## IN CITIES, TOWNS AND TOWNSHIPS.

- § 1. Amends section 1 of the act of 1872, as amended in 1887, by making the act apply to cities operating under special charters.

*AN ACT to amend section (1) of an act entitled "An act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms," approved and in force March 7, 1872, as amended by an act approved June 17, 1887.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one

(1) of "An act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms," approved and in force March 7, 1872, as amended by act approved June 17, 1887, be amended so that the same shall read as follows:

Section 1. That the city council of each incorporated city, whether organized under general law or special charter, shall have power to establish and maintain a public library and reading room, for the use and benefit of the inhabitants of such city, and may levy a tax of not to exceed two mills on the dollar annually, on all the taxable property in the city; such tax to be levied and collected in like manner with the general taxes of said city, and to be known as the library fund: *Provided*, that in cities of over one hundred thousand inhabitants, such tax shall not exceed one-half of a mill on the dollar annually: *And, provided further*, that the said annual library tax in cities of over ten thousand inhabitants shall not be included in the aggregate amount of taxes as limited by section one (1) of article eight (8) of "An act for the incorporation of cities and villages," approved April 10, 1872, and the amendatory acts thereto, or by any provision of any special charter under which any city in this State is now organized.

APPROVED May 25, 1889.

#### ILLINOIS STATE HISTORICAL.

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| <p>§ 1. Establishing a State historical library at the capital.</p> <p>§ 2. Sets apart rooms for its use.</p> <p>§ 3. Trustees for the control and management to be appointed by the Governor, who shall serve without pay.</p> | <p>§ 4. Powers and duties of the trustees defined; librarian to be chosen by the trustees and salary fixed.</p> <p>§ 5. Appropriates \$2,500 per annum for the use of the library.</p> |
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WHEREAS, It is important and desirable that all books, pamphlets and other printed matter, manuscripts, monographs and other writings, illustrative and descriptive of the history of the State, be collected and preserved in some permanent form, before it is too late to rescue from oblivion the memory of its earlier history, and those who founded it, as well as those who have been connected with its rise and progress in later days, therefore,

AN ACT *to establish the Illinois State Historical Library, and to provide for its care and maintenance, and to make appropriations therefor.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby established at the capital of the State, a historical library, which shall be known as the "Illinois State Historical Library."

§ 2. The north ante-room of the State library rooms in the State House shall be set apart for the use of the State historical library, and free access thereto at all reasonable hours shall be forever had and maintained.

§ 3. The Illinois State historical library shall be under the control and management of three trustees well versed in the history of the State, and qualified by habit and disposition to discharge the duties of their office, who shall be chosen and appointed by the Governor by and with the consent of the Senate, for the term of two years, and until their successors have been appointed and commissioned. The said trustees shall receive no compensation for their services, except for their actual expenses while in the discharge of their official duties, to be paid upon itemized accounts approved by the Governor.

§ 4. The said trustees shall have power, and they are hereby required to make all necessary rules, regulations and by-laws not inconsistent with law, to carry into effect the purposes of this act, and to procure from time to time, as may be possible and practicable at reasonable cost, all books, pamphlets, manuscripts, monographs, writings and other materials of historical interest and useful to the historian, bearing upon the political, physical, religious or social history of the state of Illinois from the earliest known period of time. They shall also have the power to select some person having the requisite qualifications as librarian and to fix the salary, not, however, to exceed the sum of five hundred dollars per annum.

§ 5. For the purpose of carrying out the provisions of this act, the sum of twenty-five hundred dollars per annum is hereby appropriated out of any moneys in the treasury not otherwise appropriated, and the Auditor is authorized to draw his warrant therefor, payable to the order of the trustees of the "Illinois State Historical Library," upon proper vouchers, approved by the Governor.

APPROVED May 25, 1889.

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## MARRIAGES.

## LICENSES.

§ 1. Amends sections 6 of the act of 1874, as amended in 1877, by providing for proof of consent where the applicants are under age; liability of county clerks.

AN ACT to amend section six of an act entitled "*An act to revise the law in relation to marriages,*" approved February 27, 1874, in force July 1, 1874, as amended by act approved and in force May 11, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section six of an act entitled "*An act to revise the law in relation to marriages,*" approved February 27, 1874, in force July 1, 1874, as amended by act approved and in force May 11, 1877, be and the same is hereby amended so as to read as follows:

Section 6. Persons intending to be joined in marriage shall, before their marriage, obtain a license from the county clerk of the county where such marriage is to take place, anything in any general or special law of this State to the contrary notwithstanding. For the purpose of ascertaining the age of the parties, and the legality of the contemplated marriage, the county clerk may require the affidavit of either of the parties, or other witnesses. When a minor is an applicant for a marriage license, or if an applicant is desirous of obtaining a license to marry a minor, and the parent or guardian of such minor is not present to give his or her consent, then such consent may be in writing, and must be attested by two witnesses, one of whom shall sign the application for license with the applicant, and make affidavit that he or she witnessed the signature of the person giving consent, and knows the same to be the genuine signature of the parent or guardian of the minor on whose account the application for license is made, and if any applicant for license, or any witness to the signature of a parent or guardian, shall swear falsely as to the age of any one for whom a license is applied, or as to the signature of any parent or guardian giving consent, and the county clerk is thereby induced to issue a marriage license to one who is not of age, the said county clerk shall not be liable for the penalty mentioned in section thirteen of this act.

APPROVED June 3, 1889.

## MINES AND MINING.

### HEALTH AND SAFETY OF MINERS.

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| <p>1. Amends sections 1, 2, 3, 4 and 8, act of 1879, as amended 1883, 1885 and 1887.</p> <p>Sec. 1. Owners or operators of mines shall prepare accurate maps or plans of mines; copy thereof delivered to state inspector of mines; copy shall be retained at the mine; copies deposited with the inspector shall be the property of the State and copies thereof shall not be taken without the consent of the owner; maps and surveys shall be made in July, 1889, and annually thereafter; maps of worked-out or abandoned mines.</p> <p>Sec. 2. Failure to make maps and surveys; penalties.</p> <p>Sec. 3. Escapement shafts or underground communications with contiguous mines; location of escapement shafts; distance from main shaft; equipment of escapement shafts; limitation of time for completing escapement shafts; roadways and escapement shafts used in common by different owners.</p> | <p>Sec. 4. Ventilation of mines; examination of mines each morning so as to secure safety from gases and foul air; supply of air; sprinkling dusty roadways in mines; precaution in handling powder in mines; tools; handling and using explosives; ventilating apparatus; emitting smoke from furnaces into shafts.</p> <p>Sec. 8. Examination of steam boilers; protection of top and entrance to shaft; steam gauges, water gauges and safety valves; underground self-acting engines and planes, signals, gangways, etc.; passageways at the bottom of shafts; protection of "sumps."</p> |
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*AN ACT to amend sections one (1), two (2), three (3), four (4) and eight (8) of an act entitled "An act to provide for the health and safety of persons employed in coal mines," approved May 28, 1879, in force July 1, 1879, as amended June 18, 1883, and June 21, 1883, in force July 1, 1883, and as amended June 30, 1885, in force July 1, 1885, and amended June 16, 1887, in force July 1, 1887.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections one (1), two (2), three (3), four (4) and eight (8) of an act entitled "An act to provide for the health and safety of persons employed in coal mines," approved May 28, 1879, in force July 1, 1879, as amended June 18, 1883, and June 21, 1883, in force July 1, 1883, and as amended June 30, 1885, in force July 1, 1885, and as amended June 16, 1887, in force July 1, 1887, be and are hereby amended to read as follows:

Section 1. The owner, operator or superintendent of any coal mine shall make or cause to be made an accurate map or plan



of such mine, which shall exhibit all the openings and excavations, the shafts, slopes or tunnels, the entries, rooms and breakthroughs; and shall show the direction of the air currents therein, and accurately delineate the surface section lines of the coal lands controlled by the owner of said mine, and show the exact relation to and proximity of the workings of said mine to said surface line. Said map or plan shall also show the exact date of each survey made, and indicate the boundary line of the most advanced face of the workings at each such date; and in case more than one seam of coal is opened or worked, a separate map or plan as aforesaid shall, if desired by the inspector, be made of the workings in each such seam. The said map or plan or a true copy thereof, with a record of all the surveys of said boundary lines and underground workings, shall be delivered by said owner, operator or superintendent to the state inspector of mines, for the district in which said mine is located, to be filed in his office; and the original or a true copy of the same shall be retained for reference and inspection at the office of said coal mine. The maps and plans so delivered to the inspector of mines, as aforesaid, shall be the property of the State, and shall remain in the care and custody of said inspector during his term of office, and be transferred by him to his successor in office. Maps of mines filed with the inspector shall be open to the examination of the public, in the presence of the inspector, but in no case shall any copy of the same be made without the consent of the owner, operator or his agent.

The maps or plans herein provided for shall be made during the month of July next succeeding the passage of this act, and thereafter in July of each and every year the owner, agent or operator of every coal mine shall cause surveys to be made of all alterations and extensions of the workings made during the year preceding, and shall have the record and results of said survey duly entered upon the map of the inspector and upon that kept at the mine. The said extensions shall be placed on the inspector's map, and the map shall be returned to the inspector within thirty days from the completion of the survey.

When any coal mine is worked out and is about to be abandoned, the owner, operator or superintendent shall have the maps or plans thereof extended to include all the excavations made, showing the most advanced workings of every part of the mine, and the relation of such boundaries to given boundaries on the surface.

Section 2. Whenever the owner, operator or superintendent of any coal mine shall neglect or refuse, or, from any cause not satisfactory to the mine inspector, fail, for the period of three months, to furnish to the inspector the map or plan of such coal mine, or of the extensions thereto, as provided for in this act, the inspector is hereby authorized to make, or cause to be

made, an accurate map or plan of such coal mine, at the expense of the owner thereof, and the cost thereof may be recovered, by law, from said owner, operator or agent, in the same manner as other debts, by suit in the name of the inspector and for his use.

Section 3. For all coal mines in this State, when more than six men are employed, whether worked by shaft, slope or drift, there shall be provided and maintained, in addition to the hoisting shaft or opening, a separate escapement shaft or opening to the surface or an underground communication between every such mine and some other contiguous mine, such as shall be approved by the mine inspector as coming within the requirements of this act, and such as shall constitute two distinct and available means of ingress and egress to all persons employed in such coal mines. Such escapement shaft or communication with a contiguous mine, as aforesaid, shall be constructed in connection with every vein or stratum of coal worked in such mine; and all passage ways communicating with the escapement shafts or places of exit from main hauling ways to the escapement shaft shall be at least five feet wide and five feet high. Every escapement shaft shall be separated from the main shaft by such extent of natural strata as shall secure safety to the men employed in such mines; and before any escapement shaft shall be located, or the excavations for it be begun, the district inspector of mines shall be duly notified to appear and determine what shall be a suitable distance for the same; the distance from main shafts for such escapement shaft shall not be less than 300 feet, without the consent of the mine inspector, nor more than 300 feet without the consent of the operator. Such escapement shafts as shall be equipped after the passage of this act, shall be supplied with stairways, partitioned off from the main air way and having substantial hand-rails and platforms, and such stairways shall be at an angle not greater than forty-five degrees: *Provided*, that in mines more than one hundred feet in depth there shall be substituted for such stairways a suitable cage, suspended between guide rails and operated by such hoisting apparatus as shall, in the judgment of the inspector of mines, insure the safe and speedy removal of all persons within the mine in case of danger. No accumulation of ice shall be permitted in any escapement shaft, nor any obstructions to travel upon any stairways or ladders. The time which shall be allowed for completing such escapement shaft or making such communication with an adjacent mine, as is required by the terms of this act, shall be for mines already opened or in process of development when this act shall become a law, one year for sinking any shaft two hundred feet or less in depth, and one additional year, or *pro rata* portion thereof, for every additional two hundred feet or fraction thereof; but for mines which shall be opened after the passage of this act,

the time allowed shall be two years for all shafts more than two hundred feet in depth, and one year for all shafts two hundred feet in depth or less; and the time shall be reckoned, in all cases, from the date on which coal is first hoisted from the original shaft for sale or use; and it shall be the duty of the inspectors of mines to see that all escapement shafts are begun in time to secure their completion within the time herein specified. In all cases where the working face of one mine has, by the agreement of adjacent owners, been driven into the workings of another mine, the respective owners of such mine, while operating the same, shall keep open a roadway at least five feet wide and five feet high, thereby forming a communication, as contemplated in this act, and in no case shall the workings of any mine be driven closer than ten feet to the line of land of any adjacent owner, without the written consent of such owner. And in all cases where the shaft of one mine has been used, or may be hereafter used, as an air or escapement shaft for another mine, neither owner or operator shall close or obstruct his shaft or workings so as to prevent the use of the same as an escapement or air shaft, without first giving one year's notice, in writing, to the other operator or owner, of his intention to abandon his mine; but the operator continuing the working of his mine shall be at the expense of keeping abandoned workings in repair.

Section 4. The owner, agent or operator of every coal mine, whether operated by shaft, slope or drift, shall provide and maintain for every such mine a good and sufficient amount of ventilation for such men and animals as may be employed therein, the amount of air in circulation to be in no case less than one hundred cubic feet for each man and six hundred cubic feet for each animal, per minute, measured at the foot of the downcast, and the same to be increased at the discretion of the inspector according to the character and extent of the workings or to the amount of powder used in blasting; and said volume of air shall be forced and circulated to the face of every working place throughout the mine, so that such mine shall be free from standing powder smoke and gases of every kind. All doors set on main entries for the purpose of conducting the ventilation, shall be so constructed and hung as to close of themselves when opened, and shall be made sufficiently tight to effectually obstruct the air currents. In all the larger mines a boy or trapper shall be kept in attendance upon such doors to see that they are kept securely closed, and the air currents properly controlled. Whenever the inspector shall find men working without sufficient air, or under any unsafe conditions, he shall first give the operator a reasonable notice to rectify the same, and upon his refusal so to do may himself order them out until said portions of said mine shall be put in proper

condition. All mines in which men are employed shall be examined every morning by a duly authorized agent of the proprietor, to determine whether there are any dangerous accumulations of gas, or lack of proper ventilation or obstructions to roadways, or any other dangerous conditions, and no person shall be allowed to enter the mine until such examiner shall have reported all the conditions safe for beginning work. Such examiner shall make a daily record of the condition of the mine in a book kept for that purpose, which shall be open at all times to the examination of the inspector. The currents of air in mines shall be so split as to give a separate current to at least every one hundred men at work, and inspectors shall have discretion to order a separate current for a smaller number of men if special conditions render it necessary. In case the galleries, roadways or entries of any mine are so dry as to become filled with dust, the operators of such mines shall be required to have such roadways regularly and thoroughly sprinkled; and it shall be the duty of the inspector to see that in all mines every practicable precaution shall be taken against accidents from the careless handling of powder within the mine, and in no case shall more powder be stored in the mine, at any one time, than in the discretion of the inspector is necessary for each day's use. It shall be unlawful for coal miners, in any mine, to charge a blasting hole with loose powder, or otherwise, than with a properly constructed cartridge; and in dry and dusty mines, it shall be unlawful to load cartridges in the mines except with a powder can constructed for the purpose.

It shall be unlawful for the owner, agent or operator of any mine to permit miners to work in said mine with tools prohibited by law.

It shall be unlawful for any operator or agent of a coal mine to employ persons underground whose duties may involve contact with inflammable gases, or the handling of explosives, who have not had experience in such duties, unless all such employes are placed under the immediate charge and instruction of such a number of competent men as to secure the safety of other persons employed in the same mine. The ventilation required by this section may be produced by any suitable appliances, but in case a furnace shall be used for ventilating purposes, it shall be built in such a manner as to prevent the communication of fire to any part of the works, by lining up from said furnace. *Provided*, it shall not be lawful to use a furnace for ventilating purposes, or for any other purpose, that shall emit smoke into any compartment constructed in, or adjoining any hoisting shaft or slope, where the hoisting shaft or slope is the only means provided for the ingress or egress of persons employed in said coal mines. It shall be unlawful where there is but one means of ingress and egress provided at a coal shaft or slope, to construct and use a ventilating furnace that shall emit smoke into a shaft, as an upcast,

where the shaft or slope used as a means of ingress and egress by persons employed in said coal mines is the only means provided for furnishing air to persons employed therein.

Section 8. All boilers used in generating steam in and about coal mines shall be kept in good order, and the agent, owner or operator as aforesaid shall have said boilers examined and inspected by a competent boilermaker or other qualified person as often as once every six months, and oftener if the inspector shall deem it necessary; and the result of every such examination shall be certified in writing to the mine inspector.

The top of each and every shaft, and the entrance to each and every intermediate working vein shall be securely fenced by gates properly protecting such shaft and the entrance thereto; and the entrance to every abandoned slope, air or other shaft shall be securely fenced off; and every steam boiler shall be provided with a proper steam gauge, water gauge and safety valve.

All underground, self-acting or engine planes with single tracks on which coal cars are drawn and persons travel, shall be provided with some proper means of signaling between the stopping places and the ends of said planes, and sufficient places of refuge at the sides of such planes shall be provided at intervals of not more than ten yards, and all other single planes or gangways twenty yards, and they shall not be less than six feet wide and six feet in depth, and shall be whitewashed or otherwise distinguished from the surrounding walls.

The bottom of every shaft shall be supplied with a traveling way to enable men to pass from one side of the shaft to the other without passing under or over the cages. All sumps shall be securely planked over so as to prevent accidents to men.

APPROVED June 4, 1889.

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. MORTGAGES.  

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## CHATTEL, ON HOUSEHOLD GOODS, ETC., FORECLOSURE.

§ 1. Foreclosure in a court of record; possession of property; furniture sold on installment excepted; shall not apply to mortgages executed prior to the taking effect of this act.

§ 2. Joint by husband and wife.

AN ACT *to regulate the foreclosure of chattel mortgages on household goods, wearing apparel and mechanics' tools.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That no chattel mortgage on the necessary household goods, wearing apparel or mechanics' tools of any person or family shall be foreclosed except in a court of record. No such household goods, wearing apparel or mechanics' tools covered by a chattel mortgage shall be seized or taken out of the possession of the mortgagor before foreclosure, except by a sheriff and then only after the mortgagee or his agent shall present an affidavit to a judge of any court of record, setting forth that the mortgage is due or that he is in danger of losing his security, giving the facts upon which he relies, and shall obtain an order from such judge directing such sheriff to seize such household goods, wearing apparel or mechanics' tools, and hold them subject to the order of court: *Provided*, that nothing herein shall apply to the sale of furniture by regular dealers on the so-called installment plan: *Provided*, this act shall not apply to the foreclosure of chattel mortgages executed prior to the time this act shall take effect.

§ 2. No chattel mortgage executed by a married man or married woman on household goods shall be valid unless joined in by the husband or wife as the case may be.

APPROVED June 5, 1889.  

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## PARKS.

## DRIVEWAYS, EXTENSION IN ADJOINING TOWNS.

§ 1. Amends section 20, act of 1871, as amended 1874, 1881, by authorizing the extension of driveways in towns not taxed for the maintenance of parks, and taxes may be levied for the cost of such driveway improvement in the towns in which improvement is made.

AN ACT to amend section 20 of an act entitled "*An act in regard to the completion of public parks and the management thereof*," approved June 16, 1871, and amendments thereto, approved February 18, 1874, and May 28, 1881.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That section 20 of "*An act in regard to the completion of public parks, and the management thereof*," approved June 16, 1871, and amendments thereto, approved February 18, 1874, and May 28, 1881, be further amended, so as to read as follows, to-wit:

Section 20. If the commissioners of any such park shall wish to establish, open and construct any driveway from the park, they shall make application to the board of trustees of the town in which it is proposed to make the same, if there be a board of trustees, and to the supervisor and assessor, in case there be no such board, (the said board of trustees, and supervisor and assessor, being hereby declared corporate authorities for the purpose of this section), for leave to establish, open and construct such driveway, describing the proposed location in detail, and if the board of trustees, or supervisor and assessor, as the case may be, shall approve of the proposed amendment, authority in writing shall be given for the establishing, opening and construction of the same, in accordance with the ninth article of an act entitled "*An act to provide for the incorporation of cities and villages*," approved April 10, 1872; and the commissioners shall, in behalf of such town, cause the proceeding to be commenced and prosecuted, in accordance with the provisions of that article. When any such driveway shall be established, it shall form a part of said park, and be managed and governed as a part thereof. When any driveway has been heretofore, or shall be hereafter constructed and opened, as aforesaid, it shall be lawful to extend the same in the manner aforesaid. If the commissioners of any such park shall think it proper to use any public street or road, or part thereof, for

such driveway or part thereof, it shall be lawful to take and use such street, or part thereof, in the discretion of the commissioners, provided the consent of the owners of a majority of the lineal front feet of the property located in the city, incorporated village, or town or other municipality in which said street is located, and abutting on such street or road, or part thereof, proposed to be used by the commissioners, be first obtained in writing, and also the consent of the city council in case the street is within a city, of the trustees in case it is within an incorporated village or town, or of the commissioner of highways in case the street or road is within a township, and the territory is not embraced within an incorporated city, village or town: *Provided*, that in all cases where a driveway extended, as aforesaid, or any street or road, or part thereof, taken for a driveway, shall lie in a town, the territory of which is not taxed for the maintenance of such park, it shall be lawful for the corporate authorities, as aforesaid, and they are hereby authorized, from time to time, to levy, or cause to be levied, a special tax or assessment on property benefitted, for a sum of money sufficient for the cost of such improvement, and for the maintenance and repair thereof, as shall be ordered and estimated by such board of park commissioners; and such tax or assessment shall be collected and enforced in the same manner as is provided by law for the collection and enforcement of other taxes, so far as the same are applicable; the proceeds of such tax or assessment shall be appropriated only for the improvement and maintenance of such portion of the street or driveway lying within the town, the property of which has been so taxed or assessed: *Provided*, that the maintenance and repair of any such driveway may be made by special assessment or by general taxation, or partly by special assessment and partly by general taxation, as may be determined by such corporate authorities. When any driveway has been extended, as aforesaid, or when the commissioners shall determine to use any street or road, or part thereof, and the consent of the authorities having control thereof shall be given, as aforesaid, the driveway so extended, or the street or part thereof so taken, as aforesaid, shall form a part of said park, and may be improved, managed and governed as a part thereof.

APPROVED June 4. 1889.

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## DRIVEWAYS ON STREETS LEADING TO PARKS.

§ 1. Improvement, maintenance and repairs of driveways: special assessments for that purpose; levied in installments.

*AN ACT to enable corporate authorities to provide for the improvement, maintenance and repair of driveways which are a part of a public park, by a special tax or special assessment on contiguous property.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cases where lands within specified boundaries bordering a lake have been declared to be a public park, and where the commissioners of such park have been named in the act establishing the same and their successors have since been appointed by the Governor of the State, such corporate authorities as are by law authorized to levy taxes for the maintenance of such park, shall have power, where any driveway has been made or may hereafter be established, opened or constructed, or where any street or streets located in any city, incorporated village or town in which any portion of such park is now located and leading to such park, have been or may hereafter be selected and taken pursuant to law by such park commissioners, to improve, maintain and repair such driveway, street or streets in such manner as said commissioners may deem best, and for that purpose they are hereby authorized to pay for the improvement and maintenance thereof, and such corporate authorities may from time to time levy or cause to be levied, a special tax or assessment on contiguous property abutting upon such driveway or street so improved for a sum of money not exceeding the estimated cost of such improvement or improvements, and for the maintenance and repair thereof as shall be ordered and estimated by such board of park commissioners. And to that end such corporate authorities shall have all the power and authority now or hereafter granted to them, respectively, relative to the levy, assessment and collection of taxes or assessment for corporate purposes, and such special taxes or assessments as are hereby authorized, may be divided into not exceeding four annual installments, bearing interest at the rate of six per cent. (6 per cent.) per annum from the date of confirmation until paid. And the assessment or installments thereof shall be collected and enforced in the same manner as is provided by law for the collection and enforcement of other taxes or assessments for or on account of such corporate bodies or boards as aforesaid, so far as the same are applicable.

APPROVED June 1, 1889.

## DRIVEWAYS ON LAKE SHORE, EXTENSION.

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| <p>§ 1. Park commissioners may extend driveways on the bed of the lake; such driveways shall not interfere with navigation.</p> <p>§ 2. Plans of extensions and estimates of cost; consent of property owners to said improvement; consent of town authorities; riparian rights may be acquired by purchase or condemnation.</p> <p>§ 3. Contracts for construction of driveways; titles to submerged lands; commissioners may sell and convey such lands.</p> | <p>§ 4. Title to driveways and to the bed of the lake shall vest in the board of park commissioners; control and maintenance.</p> <p>§ 5. Termini of streets upon such driveway extensions.</p> |
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*AN ACT to enable park commissioners having control of any boulevard or driveway bordering upon any public waters in this State, to extend the same.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every board of park commissioners existing under the laws of this State, that now has, or may hereafter have, control over any boulevard or driveway connecting with any public park under the control of such board, and bordering upon any public waters in this State, shall have power, subject to the limitations in this act contained, to extend such boulevard or driveway of the width of not more than two hundred feet over and upon the bed of such public waters. *Provided, however,* that no such boulevard or driveway shall be extended under the provisions of this act in such a manner as to interfere with the navigations of such public waters for the purposes of commerce, and that the lands adjacent to such public waters and connected with the termini of such boulevard or driveway as extended under the provisions of this act, shall lie within the district or territory, the property of which shall be taxable for the maintenance of the parks under the control of such board.

§ 2. Whenever such board of park commissioners shall determine to extend any such boulevard or driveway under this act, said board shall prepare a plan of such proposed extension, and make an estimate of the cost thereof, and shall obtain the consent in writing of the owners of at least two-thirds of the frontage of all the lands not appropriated to or held for public use abutting on such public waters in front of which it is proposed to extend such boulevard or driveway for the making of such extension, and shall also obtain the consent of the supervisor and assessor, corporate authorities of the town or towns in which the lands abutting on such public waters in

front of such proposed extension may lie, to the making of such extension. The riparian or other rights of the owners of lands on the shore adjoining the waters in which it is proposed to construct such extension, the said board of park commissioners may acquire, by contract with or deeds from any such owner; and in case of inability to agree with any such owner, proceedings may be had to condemn such rights according to the provisions of article nine of an act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, and the amendments thereof.

§ 3. Upon complying with section two of this act, said board shall have power to contract in writing with any person or persons for the construction of such extension of such boulevard or driveway, according to such plan, and under the supervision of said board, and, in all cases where any boulevard or driveway is extended under the provisions hereof, the submerged lands lying between the shore of such public waters and the inner line of the extension of such boulevard or driveway shall be appropriated by the board of park commissioners to the purpose of defraying the cost of such extension and to that end such board of park commissioners are authorized to sell and convey such submerged lands in fee simply by deeds duly executed on its behalf by its president and under its corporate seal, and every deed executed in pursuance hereof shall vest a good title in the grantee to the premises intended to be conveyed thereby.

§ 4. Upon the completion of any such extension of such boulevard or driveway, the title thereto, and to the bed thereof, shall be vested in such board of park commissioners, for the purpose of a boulevard or driveway, and shall become a part of the public park or parks under the control of such board, and shall thenceforth be maintained and controlled by such board in the manner provided by law for the government and maintenance of other boulevards and driveways under its control.

§ 5. In case any public streets shall extend to the shore line of said public waters in front of which extension of such boulevard or driveway shall be constructed under this act, and such streets, if extended, would cross such extension, such streets, (unless the municipality in control thereof shall otherwise direct) shall extend to the inside line of such extension of said boulevard or driveway. Nothing in this act shall be construed to repeal section twenty of an act entitled "An act in regard to the completion of public parks and the management thereof," approved June 16, 1871, and amendments thereto heretofore made, or which may be hereafter made, unless expressly so declared.

APPROVED June 4, 1889.

## LINCOLN, CHICAGO, TITLE TO SUBMERGED LANDS.

§ 1. Title granted to submerged land in  
Lake Michigan.

§ 2. Police power over the waters of Lake  
Michigan; sand may be taken there-  
from.

AN ACT to grant the title of certain submerged land in Lake Michigan to the commissioners of Lincoln Park and enable them to exercise police power over the water adjacent thereto.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all right, title and interest of the State in and to the bed of Lake Michigan on which the driveway connected with Lincoln Park is now constructed, or on which any extension thereof may hereafter be constructed, and a strip of such submerged land between the east line thereof and a line fifty feet east of the breakwater protecting said driveway and any extension of the same, be, and is hereby, granted to the commissioners of Lincoln Park and their successors in office, to be held for the use and benefit of the public as a part of said park and for no other purpose whatever.

§ 2. That said commissioners may have and exercise police control over the waters of Lake Michigan along the east side of said driveway, and any extension thereof, for a distance of two hundred and fifty feet in same way as over the grounds of the park, and sand may be taken therefrom by permission of said commissioners.

APPROVED June 4, 1889.

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PARTITION.

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## COSTS.

§ 1. Amends section 40, by providing that when the defendants make a successful defense they shall recover costs from the complainant.

AN ACT to amend section forty of "An act to revise the law in relation to partition of real estate," approved February 9, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section forty

(40) of an act, entitled an "Act to revise the law in relation to the partition of real estate," approved February 9, 1874, and in force July 1, 1874, be amended to read as follows:

Section 40. In all proceedings for the partition of real estate when the rights and interests of all the parties in interest are properly set forth in the petition or bill, the court shall apportion the costs, including the reasonable solicitor's fee, among the parties in interest in the suit, so that each party shall pay his or her equitable portion thereof, unless the defendants, or some one of them, shall interpose a good and substantial defense to said bill or petition. In such case the party or parties making such substantial defense shall recover their costs against the complainant according to equity.

APPROVED June 4, 1889.

#### REPORTS OF SALE.

§ 1. Amends section 29, act of 1874, by permitting interested persons to file exceptions within 20 days; proceedings.

Amends section 31, act of 1874, by authorizing distribution to be made upon the approval of the court.

AN ACT to amend sections twenty-nine and thirty-one of an act entitled "An act to revise the law in relation to the partition of real estate," approved February 9, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections twenty-nine and thirty-one of an act entitled "An act to revise the law in relation to the partition of real estate," approved February 9, 1874, in force July 1, 1874, be and the same are hereby amended so as to read as follows:

Section 29. The master, special commissioner or other officer making such sale, shall, within ten days thereafter, file a report of his doings in the matter, in the office of the clerk of the court decreeing such sale. Any person interested therein may, within twenty days after the filing of said report, file exceptions thereto, and if no exceptions are filed within such time, the report shall be presented by the officer or other person making the sale, to the judge of the court, who shall examine the same, and shall have power, in vacation, to make such order in reference to the

approval thereof, as he shall deem proper. If exceptions are filed to such report in vacation, no action shall be taken thereon until the next succeeding term of the court.

Section 31. Upon the approval of the report, the proceeds of the sale shall be distributed by the master, special commissioner or other person making the sale, to the persons entitled thereto, according to their interests, as directed by the court.

APPROVED June 3, 1889.

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#### UNKNOWN HEIRS AND CLAIMANTS.

§ 1. Amends section 36, act of 1874, by requiring unclaimed moneys to be paid into the county treasury.

Amends section 37 by making it conform to the provisions of section 36.

AN ACT to amend an act entitled "*An act to revise the law in relation to the partition of real estate,*" approved February 9, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections thirty-six (36) and thirty-seven (37) of an act entitled "*An act to revise the law in relation to the partition of real estate,*" approved February 9, 1874, in force July 1, 1874, be amended to read as follows:

Section 36. When a sale of premises is made, and no person appears to claim such portion of the money as may belong to any non-resident or person whose name is unknown, the court shall require such money to be deposited in the county treasury, subject to the further order of the court. All money so required to be deposited shall be received by the county treasurer and paid upon the order of the said court.

Section 37. When money is deposited in the county treasury under the provisions of this act, the person or persons entitled to the same may, at any time, apply to the court making the order of sale, and obtain an order for the same upon making satisfactory proof to the court of his or her right thereto.

APPROVED June 3, 1889.

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## PAUPERS.

## RESIDENCE.

§ 1. Amends section 16, act of 1874, as amended 1875, by striking out "six months" and inserting "twelve months," where it occurs in said section.

AN ACT *to amend section sixteen of an act entitled "An act to revise the law in relation to paupers," approved March 23, 1874, and amended by act approved April 9, 1875.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section sixteen of an act entitled "An act to revise the law in relation to paupers," approved March 23, 1874, and amended by act approved April 9, 1875, be and the same is hereby amended so as to read as follows:

Section 16. If any person shall become chargeable as a pauper in any county or town, who did not reside therein at the commencement of twelve months immediately preceding his becoming so chargeable, but did, at that time, reside in some other county or town in this State, it shall be the duty of the county or town clerk, as the case may be, to send written notice, by mail or otherwise, to the county clerk of the county in which the pauper so resided, or if he then resided in a town supporting its own poor, to the town clerk of such town, requesting the proper authorities of such county or town to remove said pauper forthwith, and to pay the expenses accrued and to accrue in taking care of the same; and such county or town, as the case may be, where such pauper resided at the commencement of the twelve months immediately preceding such person becoming chargeable as a pauper, shall pay to the county or town so taking care of such pauper, all reasonable charges for the same, and such amount may be recovered by suit in any court of competent jurisdiction.

APPROVED June 1, 1889.

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PENITENTIARIES.

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FEMALE PRISONERS.

§ 1. Female convicts shall be sentenced to the penitentiary at Joliet.

§ 2. Female prisoners now at the southern penitentiary shall be transferred to the state penitentiary at Joliet.

§ 3. Appropriates \$2,000 for the expenses of the transfer.

AN ACT *to confine at Joliet all female prisoners who may be sentenced to the penitentiary in the state of Illinois, and to transfer those female prisoners now confined at Chester, to Joliet.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That hereafter when a female is sentenced to the penitentiary under the laws of this State, that the judge so passing the sentence shall send her to the penitentiary at Joliet.

§ 2. That the female prisoners now at the Southern Illinois Penitentiary shall be transferred from Chester to the penitentiary at Joliet, Illinois, upon the order and by the direction of the Commissioners of the Southern Illinois Penitentiary.

§ 3. That the sum of two thousand dollars (\$2,000) or as much thereof as may be required, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose of defraying the expenses of transportation of female prisoners from the Southern Penitentiary at Chester, to the Northern Penitentiary at Joliet, and for keeping them for the period of two years after the approval of this act, said money to be paid out on warrants of the Auditor, upon the Treasurer on the direction of a majority of the Board of Commissioners of the Joliet Penitentiary signed by the President and attested by the Secretary, with the seal of said institution attached thereto, from time to time as same may be required for the purposes of this act.

APPROVED June 1, 1889.

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## PHARMACY.

## PRACTICE REGULATED.

§ 1. Amends sections 2, 4, 6, 7, 8, 9, 10 and 11 of the act of 1881:

Section 2. Licentiates in pharmacy and persons having had five years' experience entitled to be registered.

Section 4. Qualifications of licentiates in pharmacy; registry in other States.

Section 6. Organization of the State board of pharmacy; secretary shall not be a member of the board; duties of the board; meetings of the board; registry of pharmacists; quorum.

Section 7. Registry of licentiates.

Section 8. Assistant pharmacists; fees for registration: may act as clerk or salesman.

Section 9. Fees for registration and examination.

Section 10. Annual registration fees; retired pharmacists.

Section 11. Secretary, salary and expenses; per diem of the members of the board and expenses; moneys and expenses of the board; payment of surplus funds into the State treasury; annual report.

AN ACT to amend sections two (2), four (4), six (6), seven (7) eight (8), nine (9), ten (10) and eleven (11) of an act entitled "An act to regulate the practice of pharmacy in the state of Illinois," approved May 30, 1881, in force July 1, 1881, as amended by an act approved June 15, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections two (2), four (4), six (6), seven (7), eight (8), nine (9), ten (10) and eleven (11) of an act entitled "An act to regulate the practice of pharmacy in the state of Illinois," approved May 30, 1881, in force July 1, 1881, as amended by an act approved June 15, 1887, in force July 1, 1887, be, and the same are hereby, amended to read as follows:

Section 2. Any person shall be entitled to be registered as a registered pharmacist, within the meaning of this act, who shall be a licentiate in pharmacy, or shall furnish satisfactory evidence to the State board of pharmacy that he has had five years' practical experience in compounding drugs in a drug store or pharmacy, where the prescriptions of medical practitioners are compounded. The said board shall have the right to refuse registration to applicants whose examination or credentials are not satisfactory evidence of their competency. This provision shall also apply to the registration of assistant pharmacists hereinafter mentioned.

Section 4. Licentiates in pharmacy must be persons not less than 18 years of age, who have had three years' practical experience in compounding drugs in drug stores where the prescriptions of medical practitioners are compounded, and have passed a satisfactory examination before the State board of pharmacy hereinafter mentioned. The said board may, in their discretion, grant certificates of registration to such persons as shall furnish, with their application, satisfactory proof that they have been registered by examination in some other State: *Provided*, that such other State shall require a degree of competency equal to that required of applicants in this State.

Section 6. The said board shall, within thirty days after its appointment, meet and organize by electing a president from among their members, and a secretary, who shall not be a member of the board. The board shall also elect a treasurer who is a member of said board. Said board shall prescribe the duties and compensation of such treasurer, and shall require the said treasurer to give such bond as the said board shall direct. The secretary shall pay over to the treasurer all moneys that shall come into his hands as such secretary. It shall be the duty of the board to examine all applications for registration submitted in proper form; to grant certificates of registration to such persons as may be entitled to the same under the provisions of this act; to cause the prosecution of all persons violating its provisions; to report annually to the Governor and to the Illinois pharmaceutical association upon the condition of pharmacy in the State, which said report shall also furnish a record of the proceedings of the said board for the year, and also the names of all the pharmacists duly registered under this act. The board shall hold meetings for the examination of applicants for registration and the transaction of such other business as shall pertain to its duties, at least once in six months: *Provided*, that said board shall hold meetings once in every year in the city of Chicago and in the city of Springfield, and it shall give thirty days' public notice of the time and place of such meetings; shall have power to make by-laws for the proper fulfillment of its duties under this act, and shall keep a book of registration, in which shall be entered the names and places of business of all persons registered under this act, which book shall also specify such facts as said persons shall claim to justify their registration. Three members of said board shall constitute a quorum.

Section 7. Licentiates in pharmacy shall, at the time of passing their examination, be registered by the secretary of the State board of pharmacy as registered pharmacists.

Section 8. Any person shall be entitled to registration as assistant pharmacist who is of the age of 18 years, of good moral character, temperate habits, and has had three years'

service under a registered pharmacist, and the time of attendance at any respectable school of pharmacy shall be accredited on the above time, or who shall pass an examination before the State board of pharmacy, that shall show competency or qualification equal to such service. Each applicant for registration by examination as assistant pharmacist shall pay to said board the sum of five dollars before receiving his certificate of registration. Applicants other than by examination shall pay to the board a fee of one dollar. Any assistant pharmacist shall have the right to act as clerk or salesman in a drug store or pharmacy during the temporary absence of the owner or manager thereof.

Section 9. Every person applying for registration as a registered pharmacist, shall before a certificate is granted, pay to the secretary of the board the sum of two dollars; and a like sum shall be paid by licentiates of other boards who shall apply for registration; and by every applicant for registration by examination shall be paid the sum of five dollars: *Provided*, that in case of the failure of any applicant to pass a satisfactory examination, his money shall be refunded.

Section 10. Every registered pharmacist who desires to continue the practice of his profession, shall annually thereafter during the time he shall continue in such practice, on such date as the board of pharmacy may determine, of which date he shall have thirty days' notice by said board, pay to the secretary of the board a registration fee, to be fixed by the board, but which shall in no case exceed \$1.00, for which he shall receive a renewal of said registration. The failure of any registered pharmacist to pay said fee shall not deprive him of his right to renewal upon payment thereof; nor shall his retirement from the profession deprive him of the right to renew his registration should he at any time thereafter wish to resume the practice, upon payment of said fee. Registered assistants, upon receiving notice as aforesaid, shall, if they desire to renew their registration, pay to the secretary of said board an annual fee of one dollar. Every certificate of registration granted under this act shall be conspicuously exposed in the pharmacy to which it applies.

Section 11. The secretary of the board shall receive a salary which shall be fixed by the board; and which shall not exceed the sum of fifteen hundred dollars (\$1,500) per year; he shall also receive his traveling and other expenses incurred in the performance of his official duties. The members of the board shall receive the sum of \$5 for each day actually engaged in this service and all legitimate and necessary expenses incurred in attending the meetings of said board. Said expenses shall be paid from the fees and penalties received by the board, under the provisions of this act, and no part of the salary or other expenses of the board shall be paid out of the State treasury. All moneys received in excess of said per diem allowance and other

expenses above provided for shall be held by the treasurer as a special fund for meeting the expenses of said board, and the cost of an annual report of the proceedings of the Illinois pharmaceutical association, and the necessary expenses of said association: *Provided*, that when the amount of money in the hands of the treasurer at any time exceeds two thousand dollars the amount of such excess shall be paid into the State treasury. The board shall make an annual report to the Governor and to the Illinois pharmaceutical association of all moneys received and disbursed by them pursuant to this act.

APPROVED June 4, 1889.

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## PRACTICE.

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### SHORT CAUSE CALENDAR.

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| <p>§ 1. Clerks of courts of record shall prepare a separate "short cause" calendar.</p> <p>§ 2. Judges shall set apart one day of each week for the trial of suits on the short cause calendar.</p> <p>§ 3. Limit of time for trial of short causes; order of court; payment of costs.</p> | <p>§ 4. Continuances on short cause calendar.</p> <p>§ 5. Causes on the "short" calendar shall be stricken from the regular calendar.</p> |
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*AN ACT to expedite the trial of certain suits at law in courts of record.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be the duty of the clerk of each court of record, in this State, to prepare a trial calendar, in addition to the regular trial calendar of each court, to be known as the "short cause calendar." Upon the plaintiff, his agent or attorney, in any suit at law pending in any court of record, filing an affidavit that he verily believes the trial of said suit will not occupy more than one hour's time, and upon ten day's previous notice to the defendant, his agent or attorney, said suit shall be placed by the clerk upon said "short cause calendar."

§ 2. It shall be the duty of each judge of a court of record engaged in the trial of suits on the common law docket to set

apart and designate at least one day in each week during every term of court for the trial of suits upon the "short cause calendar;" and such suits shall be tried and disposed of on said days in the order in which they are placed upon such calendar; and such "short cause calendar" shall be a continuous calendar, and suits once placed upon it shall remain thereon until disposed of in their order.

§ 3. If the trial of any suit which is upon the "short cause calendar" shall occupy more than one hour's time, then the court may in its discretion stop the trial, take the case from the jury and continue it, and the suit shall go to the foot of the docket and shall not again be placed upon the "short cause calendar"; and the plaintiff shall forthwith pay all costs incurred to that time, and in default of such payment the suit shall be dismissed at plaintiff's costs.

§ 4. A suit upon the "short cause calendar" may be passed or continued for good cause shown, the same as other suits, and if so passed or continued, it shall lose its place upon such calendar, but may be again placed thereon.

§ 5. If a suit which is upon the regular trial calendar, shall be placed upon the "short cause calendar," it shall be stricken off the regular trial calendar, and shall not again be placed thereon, except upon notice to the defendant, his agent or attorney.

APPROVED June 1, 1889.

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## RAILROADS.

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### CROSSINGS.

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| § 1. One railroad crossing another; construction of crossings; in case of disagreement the matter may be referred to the R. R. & W. commissioners, for decision; compensation for damages. | § 2. Cost of construction and incidental expenses. |
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*AN ACT in relation to the crossing of one railway by another, and to prevent danger to life and property from grade crossings.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That hereafter any*

railroad company desiring to cross with its tracks the main lines of another railroad company, shall construct the crossing at such place and in such manner as will not unnecessarily impede or endanger the travel or transportation upon the railway so crossed. If in any case objection be made to the place or mode of crossing proposed by the company desiring the same, either party may apply to the board of railroad and warehouse commissioners, and it shall be their duty to view the ground, and give all parties interested an opportunity to be heard. After full investigation, and with due regard to safety of life and property, said board shall give a decision, prescribing the place where and the manner in which said crossing shall be made, but in all cases the compensation to be paid for property actually required for the crossing and all damages resulting therefrom shall be determined in the manner provided by law in case the parties fail to agree.

§ 2. The railroad company seeking the crossing shall in all cases bear the entire expense of the construction thereof, including all costs and incidental expenses incurred in the investigation by the board of railroad and warehouse commissioners.

APPROVED May 27, 1889.

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#### FENCING AND OPERATING.

§ 1. Amends Sec. 31 act 1874, by striking out the words "at any regular station."

AN ACT to amend section thirty-one (31) of an act entitled, "An act in relation to fencing and operating railroads," approved March 1, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section thirty-one (31) of an act entitled "An act in relation to fencing and operating railroads," be so amended as to read as follows:

Section 31. If any passenger on any railroad car or train shall refuse upon reasonable demand to pay his lawful fare, or shall, upon such car or train, use abusive, threatening, vulgar, obscene or profane language thereon, or shall so conduct himself as to make his presence offensive or unsafe to passengers

thereon, it shall be lawful for the conductor of the train to remove, or cause to be removed, such passenger from the train; but if such conductor shall use, or cause or permit to be used, unreasonable force or violence, he shall be liable for all damages to the person injured thereby: *Provided*, that the recovery and satisfaction of damages, under the provisions of this section, shall not lessen the liability of, or the amount of the damage that such corporation may be liable to for such acts.

APPROVED June 3, 1889.

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#### REDEMPTION OF DRAWBACK CHECKS.

§ 1. Requires the redemption of drawback checks within ten years, at any ticket office of the company; refusal to redeem.

§ 2. Term "railroad corporation" defined.

AN ACT *to regulate and enforce the redemption of drawback checks issued by railroad corporations.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That where any railroad corporation issues or causes to be issued or delivered by a conductor or other authorized agent what is known as a drawback check to any passenger on account of the overpayment of cash fare by such passenger for transportation over any part of such railroad such drawback check shall be redeemed by said corporation upon its presentation by the holder at any ticket office of such corporation within ten years after such drawback check may have been issued; and upon refusal of the agent of such corporation in charge of such ticket office to redeem the same upon such presentation the holder of such drawback check may maintain an action against such corporation in any court of competent jurisdiction for the recovery of the amount of money stipulated in such drawback check, together with costs of suit and a reasonable attorney's fee, to be fixed by the court where the cause is heard on appeal or otherwise, and taxed as a part of the costs of suit.

§ 2. The term railroad corporation contained in this act shall be deemed and taken to include all companies, lessees, con-

tractors, persons or association of persons whether incorporated or otherwise, owning, operating or using any railroads in this State.

APPROVED June 1, 1889.

## REVENUE.

### GENERAL LEVY FOR STATE PURPOSES.

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| <p>§1. Levies \$1,700,000 annually for "revenue"<br/>and \$1,000,000 annually for "school"<br/>fund.</p> | <p>§2. Governor and Auditor shall compute<br/>the rates necessary to produce the<br/>amounts levied.</p> |
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*AN ACT to provide for the necessary revenue for State purposes.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there shall be raised by levying a tax by valuation upon the assessed taxable property of the State the following sums for the purpose hereinafter set forth.

For general state purposes to be designated "revenue fund" the sum of one million seven hundred thousand dollars (\$1,700,000) upon the assessed value of property for the year A. D. 1889; one million seven hundred dollars (\$1,700,000), upon the assessed value of property for the year A. D. 1890; and for State school purposes to be designated "state school fund" the sum of one million dollars (\$1,000,000), upon the assessed taxable property for the year A. D. 1889, and the sum of one million dollars (\$1,000,000), upon the assessed taxable property for the year A. D. 1890, in lieu of the two mill tax.

§ 2. The Governor and Auditor shall annually compute the several rates per cent. required to produce not less than the above amounts, anything in any other act providing a different manner of ascertaining the amount of revenue required to be levied for State purposes to the contrary notwithstanding; and when so ascertained the Auditor shall certify to the county clerks the proper rates per cent. therefor, and also such definite



rates for other purposes as are now or may hereafter be provided by law, to be levied and collected as State taxes; and all laws and parts of laws in conflict with this act are hereby repealed.

APPROVED May 27. 1889.

## RIVERS.

### LOCKS AND DAMS IN THE ILLINOIS AND DESPLAINES.

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| <p>§ 1. Repeals the act of 1887 ceding certain locks and dams in the Illinois river to the U. S.</p> <p>§ 2. Dams at Henry and Copperas creek ceded to the U. S., on condition of removal.</p> | <p>§ 3. In case of non-acceptance by the U. S., within four years the Canal Commissioners shall remove said dams.</p> <p>§ 4. Basis of cession and removal of said dam.</p> |
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AN ACT in reference to the improvement of the Illinois and DesPlaines rivers, and to repeal an act entitled "An Act to cede certain locks and dams in the Illinois river to the United States," approved May 31, 1887, in force May 31, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "An Act to cede certain locks and dams in the Illinois river to the United States," approved May 31, 1887, in force May 31, 1887, and ceding the State works at Henry and Copperas creek, and the pools created by said works, to the general government, upon certain conditions as to the opening of a waterway of a depth of seven feet from the Mississippi river to Lake Michigan, upon plans to be determined by United States engineers, is hereby repealed.

§ 2. That the State works at Henry and Copperas creek, and the river now slack-watered by said works, are hereby ceded to the United States, on condition that the dams shall be removed whenever the depth now available for navigation can be secured and maintained by channel improvement without the aid of said dams: *Provided*, that said depth shall be assured upon the removal of said dams, or that such removal shall not materially impair navigation.

§ 3. That in the event of the non-acceptance of these works upon the conditions mentioned in section 2, within four (4)

years after this act becomes a law, the Canal Commissioners of the state of Illinois are authorized and instructed to remove the dams at Henry and Copperas creek.

§ 4. That the state of Illinois bases this act of cession upon the condition that the plan of improving the Illinois river below La Salle, by slack-water maintained by dams and locks, be changed to a plan of improvement by means of an open channel in conjunction with a water supply from Lake Michigan.

APPROVED June 4th, 1889.

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## ROADS, HIGHWAYS AND BRIDGES.

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### COUNTIES UNDER TOWNSHIP ORGANIZATION.—TAXES IN CITIES, TOWNS AND VILLAGES.

§ 1. Amends section 16, act of 1883, by requiring that one-half of the total levy for roads therein shall be paid to cities, towns and villages; in cities of 35,000 inhabitants and upwards, the whole of said tax levy.

AN ACT to amend section sixteen of an act entitled "An act in regard to roads and bridges in counties under township organization, and to repeal an act and parts of acts therein named," approved June 3, 1883, in force July 1, 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section sixteen of an act entitled "An act in regard to roads and bridges in counties under township organization, and to repeal an act and parts of acts therein named," approved June 23, 1883, in force July 1, 1883, be and the same is hereby amended so as to read as follows:

Section 16. The commissioners, at said semi-annual meeting, shall make a certificate of the rate per centum finally agreed upon by virtue of sections thirteen and fourteen of this act; also the amount to liquidate road and ditch damages, and shall cause such certificate to be delivered to the town clerk, to be kept by him on file for the inspection of the inhabitants of said town, and the town clerk shall at once certify these two items of levy to the county clerk, to be by him extended as one tax upon the collector's book of said town, to be collected as other taxes, and, when collected, shall be paid to the treasurer of the

commissioners by the collector as fast as the same is collected, except such rate per cent. as shall be allowed for collecting the same: *Provided*, that one-half the tax required to be levied in sections thirteen and fourteen and collected for road and bridge purposes, on the property lying within an incorporated village, town or city in which the streets and alleys are under the care of the corporation, shall be paid over to the treasurer of such village, town or city, to be appropriated to the improvement of roads, streets and bridges either within or without said village, town or city, and within the township under the direction of the corporate authorities of such village, town or city: *And, provided, further*, that when any of said tax is expended beyond the limits of said village, town or city, it shall be with the consent of the road commissioners of the town: *Provided, further*, that in all cities of thirty-five thousand (35,000) inhabitants or upwards, all of said tax required to be levied and collected under said sections thirteen and fourteen within the limits of such city, shall be paid over to the treasurer of such city for city purposes.

APPROVED June 3, 1889.

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#### COUNTIES UNDER TOWNSHIP ORGANIZATION—RECOVERY OF FINES AND PENALTIES.

§ 1. Amends section 74, act of 1883, by requiring that suits for the recovery of fines and penalties shall be brought in the county to which said road has been allotted.

AN ACT to amend an act entitled "An act in regard to roads and bridges in counties under township organization," approved June 23, 1883, and in force July 1, 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section seventy-four of an act entitled "An act in regard to roads and bridges in counties under township organization," approved June 23, 1883, and in force July 1, 1883, be so amended to read as follows:

Section 74. All suits for the recovery of any fine or penalty under this act, shall be brought in the name of the town in which the offense is committed, before any justice of the peace or police magistrate within the town, who shall have jurisdiction in such cases to the extent of their jurisdiction in other cases: *Provided*, that all suits for fines and penalties incurred under this act, on town and county line roads,

shall be brought in the name of the town to which that part of the road shall have been allotted, before any justice of the peace or police magistrate who shall have jurisdiction in such cases, to the extent of their jurisdiction in other cases; and it shall be the duty of the commissioners to seasonably prosecute for all fines and penalties under this act; but in case of failure of said officers to so prosecute, complaint may be made by any person: *Provided*, said person shall, before bringing suit in the name of the town, give a bond for costs, as is provided for in case of non-resident. But whenever any person shall enter complaint to any commissioner, it shall be the duty of such commissioner to at once proceed to investigate as to reasons of such complaint, and if such complaint is found to be just, he shall at once proceed to prosecution: *Provided, further*, that the commissioners may sue and be sued on all contracts entered into by them for the construction and repairing of road and bridges, and the judgment, in any such case, against the commissioners, shall be a town charge.

APPROVED June 1, 1889.

#### COUNTIES NOT UNDER TOWNSHIP ORGANIZATION.

§ 1. Amends sections 23, 51, 59, 60, 62, 63, 67, 76, 86 and 102, and adds section 13½.

Amends section 23 by permitting all voters residing within the district to vote.

Amends section 51 by inserting the proviso regarding the control of bridges costing above \$5,000.

Amends section 59, by requiring that the commissioners shall at this meeting determine the amount to be expended on roads and bridges and keep a record thereof; limitation of levy; special contingent fund. Also fixes the compensation of commissioners.

Amends section 60 by further defining exemptions from liability to poll-tax and the manner of collecting the same.

Amends section 62, by reducing the rate per cent. of taxes to 50 cents on each one hundred dollars.

Amends section 63 by regulating the tax levy and the distribution of moneys collected within the limits of cities, towns or villages.

Amends section 67 by defining how aid shall be granted in the construction of bridges, etc.

Amends section 76 providing that if the damages are not paid within 90 days the road shall be deemed vacated.

Amends section 86, by providing that appeals taken on account of damages shall not delay the opening or altering the road and that title shall not vest in the public until the damages have been paid.

Amends section 102 by providing that if the damages are not paid within 90 days the order will be regarded as rescinded.

Adds section 13½ in relation to judgments for costs.

AN ACT to amend sections twenty-three, fifty-one, fifty-nine, sixty, sixty-two, sixty-three, sixty-seven, seventy-six, eighty-six and one hundred and two of "An act to provide for the organization of road districts, the election and duties of officers therein, and in regard to roads and bridges in counties not under township organization, and to repeal an act and parts of acts therein named," approved May 4, 1887, and in force July 1, 1887, and also add thereto section to be numbered thirteen and one-half.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections twenty-three (23), fifty-one (51), fifty-nine (59), sixty (60), sixty-two (62), sixty-three (63), sixty-seven (67), seventy-six (76), eighty-six (86), and one hundred and two (102), of an act entitled "An act to provide for the organization of road districts, the election and duties of officers therein, and in regard to roads and bridges in counties not under township organization, and to repeal an act and parts of acts therein named," approved May 4, 1887, in force July 1, 1887, be amended so as to read as follows, and by adding thereto a section, to be numbered thirteen and one-half.

Section 23. All persons possessing the qualifications of voters, who reside within the boundaries prescribed for such district, shall be entitled to vote at such election.

Section 51. The commissioners of highways shall have charge of the roads and bridges of their respective districts, and it shall be their duty to keep the same in repair and improve them so far as practicable: *Provided*, that county boards in counties not under township organization, shall have charge and control of all bridges, the construction of which cost exceeding five thousand dollars, and the county board shall, when the interest of the public requires it, build such new bridges as cost exceeding that sum. Whenever the available means at the disposal of the highway commissioners will permit it, they shall construct permanent roads, beginning where most needed. The work on roads shall be done timely and in accordance with the best known methods of road making by proper grading and thorough drainage by tile or otherwise, as may be expedient, and by the application of gravel, rock or other material.

Section 59. The commissioners shall meet with the district clerk on the second Tuesday in March, and organize by electing one of their number president, and they shall proceed to consult on their duties, and how best to exercise their powers as enumerated in section 52 of this act, and shall also determine the amount to be expended upon each road under their jurisdiction in the district, and the amount to be expended on bridges, and shall thereupon make special appropriations there-

for, and cause a record to be made of the same, which fund so appropriated shall be used for no other purpose than that for which it was appropriated. The aggregate amount so appropriated shall not exceed eighty per cent. of the amount of the levy. The remainder of such levy shall be considered and held as a contingent fund, to be used after the special appropriation is exhausted, or in case of an emergency. The commissioners shall also meet on the second Tuesdays of June, September and December at some central and convenient place for the transaction of any business that may come before them. A majority of such commissioners shall constitute a quorum to do business, and in the absence of the chairman, a chairman *pro tem* may be appointed. The place of holding the meetings of the commissioners shall be as near permanent as possible. Special meetings may be called by the president of the board or any two members: *Provided*, the commissioners shall receive compensation for not more than eight days spent in general or special meetings per annum.

Section 60. At the meeting to be held on the second Tuesday in March they shall make a list of the able bodied men in their district between the ages of twenty-one and fifty years, and deliver the same to their treasurer on or before the first day of April in each year and assess at such meeting against each person upon such list a sum not less than one dollar nor more than five dollars as a poll tax for highway purposes to be paid to such treasurer by the first Monday in June of each year: *Provided*, that paupers, idiots and lunatics, ministers of the gospel in actual charge of a church or parish, trustees of schools, school directors and other school officers performing like duties shall not be compelled to pay a poll tax for highway purposes: *Provided, further*, that this list shall not include persons within the limits of cities or incorporated villages. The treasurer shall within ten days after such list is delivered to him cause written or printed or partly written and partly printed, notices to be posted in at least five public places in such district stating the time when and the place where he will be in such road district for the purpose of collecting poll tax, which notices shall be posted at least fifteen days before the time fixed for the collection of such poll tax, and said notices shall be deemed a sufficient demand for said poll tax. It shall be the duty of the treasurer to make out and present to the commissioners at their regular meeting in June of each year a list of those who have not paid their poll tax and the reasons, if any were rendered, why such person or persons have not paid. If it shall appear that any such delinquents are poor persons and unable to pay their poll tax, but are willing to labor upon the roads of such district, the commissioners may permit such poor person to work out his poll tax upon the roads of the district at one dollar per day. The treasurer shall,

within twenty days after the regular meeting in June of each year, make complaint under oath before any justice of the peace of his county against each person who has paid his poll tax, unless good cause be shown why such complaint should not be made, and such justice of the peace shall thereupon issue his warrant to any constable of his county, against such person complained against, and shall, upon his arrest, proceed to hear and determine the cause according to law, and in case the issue be found against the defendant, he shall be fined in a sum not exceeding \$25, and not less than double the amount which shall appear to be due from him for poll tax, and he shall stand committed to the county jail until fine and costs are fully paid: *Provided*, that such person so committed may be discharged from custody upon paying the costs of suit and entering into bond, with good security, in double the amount of such fine, to be approved by the justice of the peace, conditioned that such delinquent shall, within thirty days from the date thereof, discharge such fine in money or road labor under the direction of the commissioners of such road district. All moneys collected under the provisions of this act shall be paid to the treasurer of the district, and by him reported to the commissioners at their next regular meeting.

Section 62. At the meeting to be held in September, the commissioners shall determine what per cent. shall be levied on the property of the district for roads and bridges, which levy shall not exceed fifty cents on each one hundred dollars: *Provided*, that the county board shall make the first levy provided for by this act.

Section 63. The commissioners at said meeting, shall make a certificate of the rate per centum finally agreed upon by virtue of section sixty-two of this act, and shall cause such certificate to be delivered to the district clerk, to be kept by him on file for the inspection of the inhabitants of said district; and the district clerk shall at once certify the said levy to the county clerk to be by him extended separately upon the collector's book of said district to be collected as other taxes, and when collected, shall be paid to the treasurer of the commissioners by the collector, as fast as the same is collected, except such rate per cent. as shall be allowed for collecting the same, and the district clerk shall, at the same time, deliver a copy of such certificate of levy to the clerk of each city, village and town wholly or partly in his road district: *Provided*, that one-half the tax provided to be levied in section 63 of this act, and collected for road and bridge purposes on the property lying within an incorporated village, town or city, in which the streets and alleys are under the care of the corporation, shall be paid over to the treasurer of such village, town or city, to be appropriated to the improvement of roads, streets

and bridges, either within or without said village, town or city, and within the road district under the direction of the corporate authorities of such village, town or city: *Provided, further*, that when any of said tax is expended beyond the limits of said village, town or city, it shall be with the consent of the road commissioners of the district.

Section 67. When it is necessary to construct or repair any bridge over a stream, or to construct or repair any other distinct and expensive work on a public road in any district, or on or near to or across a district line in which work the district is wholly or in part responsible, and the cost of which will be more than one hundred dollars, the commissioners of such road district may petition the county board for aid, and if it shall appear that the construction or repair of such bridge or the work on such public highway is necessary to the interest of the public, and that the expense thereof will exceed one hundred dollars, the county board shall make an estimate of the cost of such work, and shall thereupon appropriate from the county treasury one-half the estimated cost to repair or construct such bridge, or to construct or repair such other distinct and expensive work. The expenditure of these funds shall be made by the county board, and any surplus funds so appropriated by the county board, remaining unexpended after the completion of the work, shall be paid, or lapse into the county treasury.

Section 76. All public roads established under the provisions of this act, shall be of the width of sixty feet: *Provided*, short roads, not exceeding two miles in length, may be of a width not less than forty feet nor more than sixty feet, and roads called public and private roads may be of the width as in this act provided. All public roads laid out as herein provided shall be opened within two years from the time of the laying out of the same. If the damages resulting from the establishing of such roads shall not be paid within ninety days from the time it is determined by agreement or final trial, or if such roads are not opened within two years from the time of the laying out of the same, such roads shall be deemed to be vacated.

Section 86. They shall, also, before they order any road to be established, altered, widened or vacated, ascertain, as hereinafter provided, the aggregate amount of damages which the owner or owners of land over which the road is to pass, shall be entitled to by reason of the location, alteration or vacation of such road: *Provided, however*, that in case an appeal is taken from the assessment of damages before the justice of the peace, the opening and construction of the road shall not be delayed thereby, but the commissioners may in their discretion make an order laying out, widening, altering or vacating such road either before or after such appeal is determined. Such



order shall not be made, nor shall the title of the land vest in the public for the uses specified in the petition until payment or tender shall be made of the damages awarded by the jury to the owner or owners of the land damaged, the guardian if such owner is a minor, the conservator if such owner is an insane person, or to the county treasurer if the owner is a non-resident of the county or incapable in law to receive said money.

Section 102. If such road or cartway shall not be opened by the petitioners within two years from the time of making the order for the location of the same, or if the damages resulting from the opening of such road or cartway shall not be paid within ninety days from the time it is determined by agreement or final trial, such order shall be regarded as rescinded.

Section 13½. In all suits and actions commenced or to be commenced for or on behalf of any road district in counties not under township organization in this State, or in the name of any person for the use of such road district, then, and in every such case, if the plaintiff shall recover any debt or damages in such action or suit, the plaintiff shall recover costs as any other person in like cases, but if such plaintiff suffer a discontinuance or be non-suited or non-prossequied, or verdict or judgment pass against such plaintiff, the defendant shall not recover any costs whatever, or if suit be brought against such road district, and judgment be for the plaintiff, he shall not have judgment against such district for costs.

APPROVED June 5, 1889.

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## SCHOOLS.

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### BOARDS OF EDUCATION AND DIRECTORS IN CITIES.

§ 1. Amends Sec. 2, act 1879, by authorizing the appointment of a member of such boards for the city at large, who shall be president of the board. Amends Sec. 3 by authorizing the election of a secretary only.

*AN ACT to amend sections two (2) and three (3) of an act entitled "An act to provide for the appointment of school directors and members of the board of education in certain cases," approved May 29, 1879.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections two*

(2) and three (3) of an act entitled "An act to provide for the appointment of school directors and members of the board of education in certain cases," approved May 29, 1879, be and the same are hereby amended so as to read as follows:

Section 2. It shall be the duty of the mayor of such city, at the first regular meeting of the city council, after each annual municipal election, and after his installation into office, to nominate and place before the council for confirmation as school directors or members of the board of education, as the case may be, one person from each ward of said city to serve for two years, and one person from the city at large to serve for one year, and if the persons so appointed shall be confirmed by a majority vote of the city council, to be entered of record, the persons so appointed, together with such persons theretofore appointed under the provisions of the act to which this is an amendment, whose terms of service shall not expire within one year, shall constitute the board of education or school directors for such district: *Provided*, that the person appointed from the city at large for one year shall be president of said board of education or school directors, but shall have no vote in such board excepting in case of a tie: *And provided further*, that the term of office of all persons heretofore appointed under the provisions of the act to which this is an amendment, whose term of office expires within one year, shall terminate at the first regular meeting of the city council after the annual meeting, and upon the appointment and confirmation of their successors.

Section 3. The said persons shall, as soon as practicable after their appointment, organize by electing one of their number secretary, who shall hold his office for one year. All rights, powers and duties heretofore exercised by and devolved upon the members of the city council as *ex officio* members of the board of education or school directors, shall devolve upon and be exercised by the members of the board of education and school directors appointed under the provisions of this act.

Whereas, there are certain cities in this State wherein under existing law the appointments provided for in this act must be made before the first day of July next, therefore an emergency exists and this act shall take effect and be in force from and after its passage.

APPROVED May 28, 1889.

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## COMPULSORY ATTENDANCE.

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| <p>§ 1. Children between the ages of 7 and 14 years shall attend school; penalties; private schools, exceptions; school defined.</p> <p>§ 2. Truant officers, appointment and duties; truant children shall be arrested, and placed in charge of teachers; compensation of truant officers.</p> <p>§ 3. False statements as to age and attendance of children.</p> | <p>§ 4. Prosecutions, how instituted and brought,</p> <p>§ 5. Jurisdiction of cases under this act.</p> <p>§ 6. Act repealed.</p> |
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*AN ACT concerning the education of children.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every person having under his control a child between the ages of seven and fourteen years, shall annually cause such child to attend for at least sixteen weeks, at least eight weeks of which attendance shall be consecutive, some public day school in the city, town or district, in which he resides, which time shall commence with the beginning of the first term of the school year, or as soon thereafter as due notice shall be served upon the person having such control, of his duty under this act. For every neglect of such duty, the person offending shall forfeit, to the use of the public schools of such city or district, a sum not less than one nor more than twenty dollars, and shall stand committed until such fine and costs of suit are paid. But if the person so neglecting, shall show to the satisfaction of the board of education or of directors that such child has attended for a like period of time, a private day school, approved by the board of education or directors of the city, town or district in which such child resides, or that instruction has otherwise been given for a like period of time to such child, in the branches commonly taught in the public school; or that such child has already acquired the branches of learning taught in the public school; or that his physical or mental condition, as declared by a competent physician, is such as to render such attendance inexpedient and impracticable, then such penalty shall not be incurred. Such fine shall be paid, when collected, to the school treasurer of such city or township, to be accounted for by him as other school money raised for school purposes. But no school shall be regarded as a school under this act unless there shall be taught therein in the English language, reading, writing, arithmetic, history of the United States, and geography.

§ 2. It shall be the duty of the Board of Education in every city and the board of school directors in every school district, to appoint one or more truant officers, whose duty it shall

be, carefully to enquire concerning all supposed violations of this act, and to enter complaint against all persons who shall appear to be guilty of such violation. It shall also be the duty of said officer to arrest children of a school-going age, who habitually haunt public places, and have no lawful occupation, and also truant children who absent themselves from school without leave, and to place them in charge of the teacher having charge of the public school which the said children are by law entitled to attend. And it shall be the duty of said teacher to assign said children to the proper classes, and to instruct them in such studies as they are fitted to pursue. Said truant officers shall have such compensation for services rendered, under this act, as shall be determined by the board of education or the board of directors appointing such officer, which compensation shall be paid from the distributable school fund.

§ 3. Any person having control of a child, who with intent to evade the provisions of this act, shall make a willful false statement concerning the age of such child, or the time such child has attended school, shall, for such offence, forfeit a sum of not less than \$3 nor more than \$20 for the use of the public schools of such city or district.

§ 4. Prosecutions under this act shall be instituted and carried on by the authorities of such boards, and be brought in the name of the People of the State of Illinois for the use of the school fund of said city or township.

§ 5. Police, municipal courts, justices of the peace and judges of the county court, shall have jurisdiction within their respective counties of the offences described in this act.

§ 6. An act to secure to all children the benefit of an elementary education" approved June 23, 1883, in force July 1, 1883, is hereby repealed.

APPROVED May 24, 1889.

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## REVISION.

## ARTICLE I.

## STATE SUPERINTENDENT.

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| <p>§ 1. Election of State Superintendent of Public Instruction in 1890; term of office.</p> <p>§ 2. Oath of office; bond; oath and bond deposited with the Secretary of State.</p> <p>§ 3. Salary; office expenses.</p> <p>§ 4. Duties defined—</p> <ol style="list-style-type: none"> <li>1. Office at the seat of government.</li> <li>2. File reports and papers transmitted by school officers; each year to be filed separately.</li> <li>3. Records and papers of his office to be kept and preserved and to be exhibited to the Governor or the General Assembly.</li> <li>4. To keep a fair record of the business transactions of his office.</li> <li>5. To pay over all moneys coming into his hands to the parties entitled thereto.</li> <li>6. To counsel and advise with practical teachers as to the best interests of schools.</li> <li>7. To supervise all common schools.</li> <li>8. General adviser to county superintendents.</li> <li>9. To advise county superintendents by circular as to the best methods of conducting schools, constructing and furnishing school houses and procuring teachers.</li> <li>10. Biennial report to the Governor; contents thereof; laid before the General Assembly.</li> <li>11. To make rules and regulations as shall be necessary to carry into effect all laws for government and control of free schools.</li> </ol> | <ol style="list-style-type: none"> <li>12. To be the legal adviser of school officers, and upon request shall give his opinion in writing upon school law.</li> <li>13. To hear and determine all controversies under the school laws on appeal from county superintendents.</li> <li>14. To receive and file reports from county superintendents as required by this act.</li> <li>15. To grant State certificates to teachers as provided by this act.</li> <li>16. Member <i>ex-officio</i> of the board of trustees of the State normal universities.</li> <li>17. Member <i>ex-officio</i> of the State board of education.</li> <li>18. Report to the General Assembly condition and expenditures of the Normal university.</li> <li>19. Visit State educational charitable institutions, examine facilities and to prescribe form of reports.</li> </ol> <p>§ 5. Powers defined—</p> <ol style="list-style-type: none"> <li>1. To cause the county superintendents to withhold school funds until school officers and teachers have complied with the law, in regard to making reports, returns and schedules, accounted for all funds, and filed official bonds.</li> <li>2. To require county superintendents to furnish such information as he may desire for his report.</li> <li>3. To require township trustees to make special reports.</li> <li>4. To remit forfeiture of the school fund.</li> </ol> |
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5. To designate school statistics to be furnished by school officers to the county superintendent.
6. To authorize county superintendents to procure assistance in conducting teachers' institutes.
7. To require annual reports by municipal authorities operating schools under special charters.
8. To require reports from the proper officers of private educational and literary institutions.

9. To require the Auditor of Public Accounts to withhold from any county its share of the interest fund, or the per diem of county superintendents until the latter has complied with this act in making his report.
- § 6. The State Superintendent shall not be interested in the proceeds of the sale of books, furniture or apparatus; penalties for violation hereof.

## ARTICLE II.

### COUNTY SUPERINTENDENTS.

- § 1. Election of county superintendents of schools in 1890; term of office.
- § 2. Oath of office; official bond.
- § 3. Form of bond; filed with the county clerk.
- § 4. Liability on the bond.
- § 5. New bond.
- § 6. County board shall provide an office, and furnish the same.
- § 7. Removal for cause by the county board.
- § 8. Vacancy in office, how filled.
- § 9. Time of employment per annum; limitation of number of days.
- § 10. Assistants may be employed; compensation.
- § 11. Commissions for services rendered on land sales and funds distributed, per diem and expenses.
- § 12. Itemized accounts for services must be rendered to the county board; audited by the board, certified by the clerk and transmitted to the State Auditor; the Auditor shall issue his warrant for the amount and deduct the same from the amount due from the State to the school fund.
- § 13. Duties defined—
  1. Sell land, issue certificates of purchase, make report thereof and perform the duties enumerated in article 13 of this act.
2. To register applicants for admission to the Normal universities and University of Illinois, and to assist in the examination of the same.
3. To visit each school in his county at least once in each year; visiting ungraded schools.
4. He shall, while visiting, observe the methods, discipline, text books, general condition, etc.
5. He shall give such instruction to teachers as he may deem expedient and necessary.
6. He shall act as the official adviser of school officers and teachers and in this duty shall be governed by the advice and instruction of State superintendent.
7. He shall conduct teachers' institutes and other meetings.
8. He shall labor to elevate the standard and to improve the condition of the schools.
9. He shall examine, at least once each year the accounts of the township treasurers; irregularities shall be reported to the trustees.
10. He shall examine all notes and bonds and the securities thereof in the hands of the township treasurer, and shall report informalties and deficiencies in writing to the trustees.

11. He shall give notice of the election of trustees when the township treasurer or trustees fail or refuse to act. (Article 3. Section 15.)
  12. He shall file and keep the poll-book and returns of any election required to be returned to his office.
  13. He shall investigate and determine all matters relating to boundaries of districts, which may come to him on appeal, and give notice of his decision to the township treasurer.
  14. He shall give notice of the election of directors when the township treasurer or directors fail or refuse to act. (Art. 5, Sec. 9.)
  15. He shall hold meetings for the examination of teachers. (Art. 7, Sec. 7.)
  16. He shall grant certificates to teachers, as provided in Sec. 3, Art. 7 of this act, and shall keep a record thereof; he shall keep a record of all teachers employed in teaching in his county.
  17. He shall keep an account of all moneys in the "institute fund," and report the same to the county board. (Art. 7, Sec. 9.)
  18. He shall present to the county board an annual report. (Art. 11, Sec. 3.)
  19. He shall, on or before September, annually, notify district officers of the amount of money paid by him to township treasurers.
  20. He shall, on or before July 15, annually, receive and file statistical reports from trustees.
- § 14. Powers of county superintendent defined—
1. To require the trustees to report, as provided in Art. 3, Sec. 28, of this act.
  2. To recommend to the State Superintendent a remission of penalties for failure to report.
  3. To renew teachers' certificates.
  4. To revoke certificates for cause.
  5. To prescribe in what manner township treasurers shall keep their accounts.
  6. To bring suits against county collectors for failure to pay state warrants, as per Art. 13, Sec. 5.
  7. To remove directors from office for failure to perform his duties.
  8. To sell and lease school lands, as provided in Art. 13, Sec. 26.
- § 15. Books of record and account. "A" petitions for sale of lands and certificates of valuation. "B" account of lands sales. "C" loans, receipts and disbursements of money; each township fund to be kept separate.
- § 16. Statement of account annually to the county board, in writing, in full.
- § 17. Biennial report, or oftener if required, to the State Superintendent.
- § 18. In case of failure of the trustees to furnish statistical and other information, it shall be the duty of the county superintendent to employ some competent person to examine the books and furnish the information desired; compensation shall be made to the person so employed, and the county superintendent shall proceed to collect the amount by proceeding against the trustees in their individual capacity.
- § 19. Bonds of township treasurers, approval and record thereof.
- § 20. Apportionment of funds to the several townships.
- § 21. Any funds, not interest, may be loaned by the county superintendent, the same as by trustees.
- § 22. In controversies under the school law the opinion of the county superintendent shall first be taken; appeals may be taken therefrom to the State Superintendent.
- § 23. At the close of his term of office, the county superintendent shall turn over all moneys, books, papers and property.

## ARTICLE III.

## • TOWNSHIPS AND TRUSTEES.

- § 1. Each congressional township shall be a school township.
- § 2. Fractional townships, consolidation with adjacent townships.
- § 3. Business of the township; trustees; election.
- § 4. Trustees body corporate of perpetual existence; powers.
- § 5. Election of trustees in April annually.
- § 6. First election under this act; term of office.
- § 7. Eligibility; two trustees shall not reside in the same district; one person shall not hold the office of trustee and director at the same time.
- § 8. Notice of election by township treasurer; how given; form of notice.
- § 9. First elections for trustees; county clerk shall give the notice.
- § 10. Term of office at first election to be determined by lot; annual election thereafter; notice as in other cases.
- § 11. Judges and clerk of elections in incorporated townships; trustees present shall act; in case of absence or refusal judges shall be chosen; in cities where the election law of 1885 is in force that act shall govern; in unincorporated towns judges shall be chosen by the voters present.
- § 12. Qualification of voters at school elections.
- § 13. General election laws applicable to school elections; time of opening and closing polls.
- § 14. Postponement of election on account of small attendance or other cause.
- § 15. Failure of township treasurer to give notice of regular election of trustees; in case of vacancy notice by county superintendent.
- § 16. Elections to fill vacancies; notice thereof.
- § 17. Tie vote decided by lot.
- § 18. Polling places, number of; judges, how chosen; judges shall make return to township treasurer; canvass of vote by trustees; result certified to county superintendent.
- § 19. In counties under township organization, in townships identical in boundary, elections for trustees shall be held at the time of the town elections; special elections.
- § 20. Copy of poll-book duly certified by the judges to be delivered within 10 days to the county superintendent, and filed in his office; failure to deliver such poll-book; penalties.
- § 21. County clerk shall furnish county superintendent with list of trustees elected at town elections.
- § 22. Organization of the board of trustees; election of treasurer.
- § 23. President and treasurer of board; term of office; removal for cause.
- § 24. Duties of president and clerk; president and clerk *pro tem*.
- § 25. Regular semi-annual meetings in April and October; special meetings; how called; quorum for business.
- § 26. Trustees at semi-annual meetings shall ascertain the amount of funds on hand and apportion the same.
- § 27. Treasurer shall credit districts with the amount apportioned, which shall be subject to the order of the directors.
- § 28. Trustees shall prepare or cause to be prepared, biennially, from the 1st day of July, an exhibit of the condition of the schools in their respective townships; enumerated items which shall be contained in said statement; failure to furnish such statement; penalty.
- § 29. Townships divided by county lines; separate enumerations and reports to be made to the county superintendents of the respective counties, when practicable; otherwise to the county superintendent of the county in which the 16th section is situated.



- § 30. Trustees at the semi-annual meetings, and at such other times at they may deem proper, shall examine books, papers, notes, mortgages, etc., and make such orders respecting their security, collection and correction as may seem necessary.
- § 31. Trustees may receive gifts, grants and donations; title of property shall vest in trustees; supervision and control of school houses and school sites shall vest in the directors.
- § 32. Trustees may sell and convey, upon petition, property no longer convenient or necessary for the use of the schools; notice of sale; form of notice; proceeds of sale.
- § 33. Conveyances shall be made to the board of trustees in their corporate name and to their successors in office.
- § 34. Township treasurer sole legal custodian of township and district funds; trustees may remove treasurer for cause; may bring suits upon his bond for damages.
- § 35. Trustees may purchase real estate in satisfaction of judgments and decrees; title shall vest in the trustees for the benefit of the township.
- § 36. Trustees invested with power to make settlement on account of indebtedness.
- § 37. Trustees may sell or lease lands at public sale taken on judgments or in settlements.
- § 38. Township high schools; petition and notice of an election therefor.
- § 39. Canvass of votes of such elections.
- § 40. If a majority of the votes are in favor of a high school the trustees shall give notice of an election of a township board of education; term of office; vacancies, how filled; organization of the board; the high school shall be established at some central point in the township.
- § 41. Township shall be regarded as a district, of which the board of education shall be directors.
- § 42. Two or more adjoining townships may establish a high school, by written agreement.
- § 43. Discontinuing high school; proceedings.
- § 44. Canvass of votes on discontinuing high schools; if the result of election is in favor of discontinuing, the trustees shall discontinue said school and turn over the assets to the school fund of the townships entitled thereto.
- § 45. Trustees shall not be interested in the proceeds of the sale of any books, furniture or apparatus; penalties.
- § 46. New townships; formation of districts.
- § 47. Changing boundaries and organizing new districts; how and in what manner changes may be made.
- § 48. No changes shall be made as provided in section 47 except upon petition.
- § 49. Changes of boundaries in districts having a population of 1,000 and over may be submitted to vote; the question shall not be submitted to vote oftener than once in each year in any district.
- § 50. Filing petition for change of boundaries; notice of petition.
- § 51. Changes of boundaries in adjacent districts in different townships may be made at the April meeting by concurrent action.
- § 52. Informalities in the petitions for change of boundaries; adjournment of the trustees to correct.
- § 53. Hearing of petitions and decision by the board of trustees.
- § 54. Appeals from decision of trustees to the county superintendent; notice of appeal; form of notice.
- § 55. When an appeal has been taken the clerk of the trustees shall transmit the papers and a transcript of the record; the county superintendent shall consider the appeal, make such order as he may deem for the best interest of the district; his decision shall be final and he shall notify the clerk of his action; if the changes shall be made the clerk shall record the decision and furnish the county clerk a map of the district and a list of the tax-payers.

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| <p>§ 56. Appeals taken in districts divided by counties may be to the county superintendent of any one of the counties; notice shall be given to the superintendents of the other counties, and the appeal shall be heard and determined by them jointly. In case of disagreement the county judge shall be called and constitute one of the board to hear and determine the appeal. The superintendent to whom the appeal was taken shall notify the clerk of the trustees of the decision in the case.</p> <p>§ 57. When changes in boundaries are made by the trustees, and their action is accepted as final, the clerk shall make a copy of the record, which shall be certified by the president of the board and filed together with a map and an accurate list of the taxpayers in the new district.</p> <p>§ 58. Bonded indebtedness in districts in which boundaries have been changed; how treated.</p> <p>§ 59. Election of directors in new districts; notice of election; form of notice.</p> <p>§ 60. Judges and clerk of said election; how conducted.</p> <p>§ 61. Organization of said board; term of office.</p> | <p>§ 62. New districts organized by the action of the county superintendent; election of directors therein the same as in other cases.</p> <p>§ 63. Distribution of funds to new districts.</p> <p>§ 64. Apportionment and apportionment of property to new districts.</p> <p>§ 65. Trustees shall be personally liable for a failure to distribute funds and property in accordance with the provisions of sections 63 and 64.</p> <p>§ 66. Clerk of the board of trustees, penalties for failure or neglect of duty.</p> <p>§ 67. Districts failing to maintain a school for two years shall be attached to other districts; the clerk shall file record, map and list of taxpayers the same as in case of change of boundaries.</p> <p>§ 68. Dissolution of districts lying in two or more townships; proceedings.</p> <p>§ 69. Trustees of schools elected under the provisions of this act shall be the legal successors of trustees elected under the provisions of former acts; all rights of property and rights and causes of action shall vest as fully as in trustees of school land and trustees of schools as aforesaid.</p> |
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## ARTICLE IV.

### TOWNSHIP TREASURER.

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| <p>§ 1. Township treasurer shall, before entering upon his duties, give bond which shall be filed with the county superintendent; amount of bond; increase of bond; form of bond.</p> <p>§ 2. Books to be kept by the treasurer; manner of keeping and entries to be made; "journal" and "record" books; books shall be open to inspection by all authorized persons and officers.</p> <p>§ 3. Loans by treasurer; rate of interest; time of loans; security; loans to boards of directors.</p> | <p>§ 4. Notes, mortgages, etc., shall be taken in the corporate name of the board of trustees; also all legal proceedings to collect loan or enforce contract shall be in the corporate name of the trustees.</p> <p>§ 5. Loaning district funds, how made.</p> <p>§ 6. Financial statement shall, June 30, annually, be furnished by the treasurer to county superintendent, which statement shall be preserved.</p> <p>§ 7. Mortgages; form of mortgage; acknowledging and recording; release of mortgages.</p> |
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- § 8. Actions for foreclosure; prescribed form of mortgage not material; value of improvements may be included in estimating the value of real estate as security, but in such case the improvements shall be insured and the policies assigned to the mortgagee.
- § 9. Failure to give additional security for loans shall be cause of action to foreclose.
- § 10. Indebtedness due from estates shall be classed as preferred claims.
- § 11. Default in payment of interest on loans; penalties; actions for recovery; actions for the recovery of interest only; jurisdiction of justices in such cases.
- § 12. Suits and actions begun in the name of the trustees; *qui tam* actions.
- § 13. Township treasurer custodian of all moneys, books and papers belonging to the township; township fund shall be loaned; interest funds not required for distribution transferred to the permanent fund.
- § 14. Semi-annually in April and October the township treasurer shall lay before the trustees a financial statement and all books and evidences of indebtedness for examination.
- § 15. Annual financial statements shall be presented at the meeting of the trustees succeeding the annual election.
- § 16. Semi-annual statements in April and July shall be made out and delivered to the board of directors of each district in the township.
- § 17. Failure of treasurer, clerk or directors to comply with the provisions of this article; penalties.
- § 18. Teachers' warrants; unpaid shall draw interest from date of presentation to township treasurer until payment, or notice, at 8 per cent.; endorsement and record of treasurer.
19. Duties of township treasurer further defined—

1. He shall in August, annually, return to the county clerk the certificate of tax levy made by each board of directors.
  2. He shall pay all lawful orders drawn on him by boards of directors when he has in his hands money belonging to the district.
  3. He shall collect from the township and county collector the amount of taxes levied by the several boards.
  4. He shall in April and October examine the official record of each school district.
  5. He shall keep accounts between the districts when pupils are transferred.
  6. He shall give notices of elections.
  7. He shall give notice of the election of directors in new districts.
  8. He shall cause to be published in some newspaper published in the county an annual statement of the finances of the township.
  9. He shall, when changes have been made in the boundaries of a district, make a copy of the record, a map of the district, a list of taxpayers and file with the county clerk.
  10. He shall file and keep all poll-books and election returns.
  11. He shall receive and keep all moneys, papers, securities and effects belonging to the township or districts.
- § 20. Liability of the township treasurer for failure to perform the duties required by this act; liability of trustees in certain cases.
- § 21. Surrender, at close of term, or his representatives, of all money, books, papers, securities, etc., to his successor in office; penalties; judgment; liability on bond.
- § 22. Compensation for services to be fixed prior to election.

## ARTICLE V.

## BOARD OF DIRECTORS.

- § 1. Election of directors in districts of less than 1,000 inhabitants; exceptions; board shall consist of three members.
- § 2. Bodies politic; corporate powers.
- § 3. Eligibility to the office of school director; trustee can not be a director.
- § 4. Removal from district vacates the office.
- § 5. Annual election third Saturday in April; term of office.
- § 6. Election in new districts; notice of election; term of office decided by lot.
- § 7. Elections to fill vacancies.
- § 8. Notice of elections; posting notice.
- § 9. Failure of directors to order an election; township treasurer in that case shall act; if the treasurer fail the county superintendent shall act.
- § 10. Directors shall act as judges and clerk of elections; in case of failure of directors to attend judges shall be chosen; postponement of election.
- § 11. Tie vote decided by lot.
- § 12. Returns of election to township treasurer.
- § 13. Union districts; how and to whom returns shall be made.
- § 14. Failure to return poll-book; penalties.
- § 15. Directors shall meet and organize within ten days.
- § 16. Quorum for business.
- § 17. Clerk of the board shall keep a record.
- § 18. Regular and special meetings of directors.
- § 19. Official business shall be transacted at a regular or special meeting.
- § 20. Officers of the board *pro tem*.
- § 21. Clerks of boards shall report the names of presidents and clerks to township treasurers.
- § 22. Clerk shall in July, annually, make statistical report to the township treasurer.
- § 23. Directors shall not be interested in contracts.
- § 24. Directors shall not be interested in the sale of any school books, furniture or apparatus.
- § 25. Penalties under the two preceding sections.
- § 26. Duties of directors defined—
  - 1. To make a detailed report at the annual election; copy to be transmitted to the treasurer.
  - 2. To report to the county superintendent the names of all teachers employed, and the time of employment.
  - 3. To provide the necessary revenue for their districts.
  - 4. When a district is composed of parts of two or more townships, to designate the township treasurer who is to receive the tax money.
  - 5. To establish and conduct schools as herein required.
  - 6. To adopt and enforce rules for the government of the schools.
  - 7. To visit the schools.
  - 8. To appoint teachers and fix their salaries.
  - 9. To designate the branches of study and to select the text-books and apparatus; text-books shall not be changed oftener than once in four years.
  - 10. To purchase text-books for children whose parents are unable to provide them, which shall be loaned to such children.
  - 11. To deliver to the treasurer July 7, annually, teachers' schedules duly made and certified; liability for failure.

12. Directors shall pay no money to any teacher unless such teacher shall have a certificate of qualification, obtained under the provisions of this act.
13. Directors shall not pay any money to teachers who have not furnished schedules, and satisfactorily accounted for the property in their charge.
14. Teachers' wages shall be paid monthly; schedules shall be furnished and duly certified before order is drawn.
15. Directors shall cause a copy of financial report of the township to be posted at the annual election of directors.

§ 27. Powers of directors defined—

1. To purchase books of record; records shall be properly kept.
  2. To allow compensation to clerks.
  3. To dismiss teachers for incompetency and other sufficient cause.
  4. To assign pupils, and to admit non-resident pupils, fix rates of tuition therefor, and to collect the same.
  5. To suspend or expel pupils for cause; no action shall lie for such act.
  6. To provide that children under 12 years may not be in school over four hours daily.
  7. To appropriate money for the purchase of library and apparatus out of surplus funds.
  8. To sell at public or private sale any personal property not needed for school purposes.
  9. They may grant special holidays; teachers shall not be required to make good lost time in such cases.
  10. They shall have control and supervision of school houses, and may grant temporary use thereof for proper purposes, when not occupied by the school.
  11. They shall decide when school sites or building have become unnecessary, unsuitable or inconvenient for school purposes.
  12. They may borrow money and issue bonds therefor for sites, buildings, repairs and improvements as provided in article 9 of this act.
- § 28. No order or warrant, payable on demand, shall be drawn by the directors upon the township treasurer unless there are sufficient funds in the treasury to pay it, except as to orders for teachers' wages.
- § 29. Orders and warrants may be drawn for ordinary expenses in anticipation of the tax levy to the extent of 75 per cent. thereof; such order shall show upon their face that they are so issued, and the taxes against which they are drawn shall be set aside for their payment.
- § 30. Directors shall be liable in their official capacity for balances due teachers and for debts legally contracted.
- § 31. Boards of directors shall not purchase a school site, build or move a school house, or levy a tax for more than nine months school in one year without first submitting the question to a vote of the people; a majority vote shall authorize the directors to act; the directors may also act upon a plurality vote and select such site as in their judgment may be for the public interest; sites may be taken by condemnation proceedings.
- § 32. If the price to be paid for a school site can not be agreed upon, then the directors shall cause proceedings to be instituted for condemnation: no tract of land lying outside of an incorporated city or village within 40 rods of a dwelling shall be taken without the consent of the owner.
- § 33. Directors, for wilful neglect of duty, may be removed from office.
- § 34. Money shall be paid out only upon the order of the directors; form of order.
- § 35. Pupils shall not be transferred from one district to another without the written consent of the directors of both districts; schedules in such cases, how made and credited.
- § 36. Tuition, collection of when transferred from another township.

## ARTICLE VI.

## BOARD OF EDUCATION.

- § 1. Cities and villages, except those in which the schools are operated under special charters, shall constitute part of the school township and be subject to the general law,
- § 2. Election of boards of education; how constituted; additional members; limitation of membership.
- § 3. President of the board; election; term of office.
- § 4. Duties of the president defined.
- § 5. Annual election for members of the board.
- § 6. Notice of election; form of notice.
- § 7. Failure to give such notice.
- § 8. Manner of conducting elections.
- § 9. First election under this act.
- § 10. Powers and duties of boards of education defined—
  - 1. They shall establish and provide support for schools.
  - 2. They shall repair, improve and furnish school houses and schools.
  - 3. They shall examine and employ teachers and fix their salaries.
  - 4. They shall establish graded schools.
  - 5. They shall buy and lease school sites when authorized by a vote.
  - 6. They shall levy an annual tax for the support of schools, as provided by law.
  - 7. To employ, when deemed expedient, superintendent of schools, fix their salaries and to prescribe their duties.
  - 8. To create sub-districts and to alter the same.
  - 9. To visit the public schools,
  - 10. To prescribe the methods and course of instruction and discipline.
  - 11. To expel pupils for cause.
  - 12. To dismiss any teacher for cause.
  - 13. To apportion the scholars among the schools.
- 14. To establish and maintain rules and regulations for the proper discipline of the school.
- 15. To have the care and custody of the school houses, grounds and property.
- 16. To provide fuel and other necessary supplies.
- 17. To appoint a secretary to keep a record of their proceedings.
- 18. To prepare and publish an annual report.
- § 11. Questions involving an expenditure of money shall be decided by a yeas and nays vote.
- § 12. Powers conferred shall only be exercised at regular or special meetings.
- § 13. Title to real estate shall vest in the trustees of schools in trust.
- § 14. Moneys shall be held by township treasurer as a special fund, and be subject to the order of the board.
- § 15. Schools operated under special acts may abandon the special act and adopt this act; proceedings for the adoption of this act.
- § 16. Organization under this law, how accomplished; election of directors and boards of education; subsequent elections.
- § 17. Boards of education in cities of over 100,000 inhabitants; term of office; boards now in office; successors.
- § 18. Eligibility to membership.
- § 19. Officers and employees of the board; duties and compensation.
- § 20. Record of proceedings; upon all questions involving the expenditure of money the yeas and nays shall be entered.
- § 21. Powers and duties of the board, with the concurrence of the city council, defined—
  - 1. To erect and purchase buildings for schools.

2. To buy or lease sites.
  3. To borrow money on the credit of the city for building purposes, to issue bonds therefor and to provide for their payment.
- § 22. Boards of education shall have power—
1. To furnish schools with fixtures, furniture and apparatus.
  2. To establish and maintain schools.
  3. To hire rooms for the use of the board.
  4. To hire rooms or buildings for the use of the schools.
  5. To employ teachers and fix their compensation.
  6. To prescribe text books and studies.
  7. To divide the city into school districts, to alter the same and create new ones; to have general management of the schools and to do all things necessary for their support.
  8. To expel pupils for cause.
  9. To dismiss teachers for cause.
  10. To apportion scholars.
  11. To lease property and loan money.
- § 23. It shall be the duty of boards of education—
1. To take entire control of the schools in cities of this class.
  2. To examine applicants for teachers and to issue certificates without cost.
  3. To visit the schools.
  4. To establish rules and regulations to secure discipline.
  5. To employ teachers and to fix their compensation.
  6. To have the care and custody of school houses, grounds and property belonging to the district.
  7. To furnish fuel and other supplies for the use of the schools.
  8. To make inquiry as to the progress of scholars and government of the schools.
  9. To prescribe the methods of discipline and instruction.
  10. To prescribe studies, books and apparatus.
  11. To report to the city council from time to time such suggestions and recommendations as may be deemed necessary for the benefit and improvement of the schools.
  12. To prepare and publish an annual report.
  13. To report to the city council from time to time such information as may be required.
- § 24. Powers conferred shall only be exercised at a regular or special meeting.
- § 25. Title to real estate shall vest in the city council in trust.
- § 26. Moneys shall be held by the city treasurer as a special fund for school purposes, subject to the order of the board.
- § 27. Expenditures shall be confined to specified receipts and appropriations.
- § 28. Boards of education shall govern the schools, and none of the powers of the board shall be exercised by the city council.

## ARTICLE VII.

## TEACHERS.

- § 1. Qualifications of teachers; certificates; diplomas of county normal schools.
- § 2. State certificates, how granted; grades of certificates; public examination; certificates may be revoked; graduates of state normal schools entitled to lower grade certificate without examination.
- § 3. County superintendent may grant first and second grade certificates upon examination; renewal and revocation of certificates; form of certificate.
- § 4. Record of certificates to be kept by county superintendent; form of record.
- § 5. Teachers not provided with certificates shall not be entitled to any part of the school fund, and shall not be employed unless provided with a certificate authorizing him to teach during the entire term of his contract.
- § 6. Branches of education which may be taught in the free schools of this state.
- § 7. Quarter yearly meetings shall be held by the county superintendent for the examination of teachers; notice thereof.
- § 8. Fees for examination, and renewal of certificates.
- § 9. Fees for certificates shall be transmitted to the county treasurer and constitute the "teachers' institute" fund; county superintendent shall render an account of the institute fund annually to the county board.
- § 10. Teachers' institutes, county superintendent shall hold annually; may, with the concurrence of the State Superintendent procure assistance; adjoining counties may unite; instruction free to holders of certificates in the county; others shall pay a fee of \$1.
- § 11. Time spent by teachers in attending institutes shall not be deducted.
- § 12. Teachers shall be accountable for property in their charge, and shall furnish schedules as required by law, or forfeit their claim upon the school fund.
- § 13. Daily registers shall be kept; form of register; directors shall furnish teachers with registers; a failure to keep such registers will forfeit claim upon the school fund.
- § 14. Schedules shall be kept in all districts controlled by a board of directors; separate schedules; boards of education may require statements of attendance in lieu of schedules; form of schedules; form of certificate to be attached.
- § 15. Schedules shall be delivered to the directors, and may demand a receipt therefor; directors shall examine and certify to if correct; form of certificate.
- § 16. Teachers' wages due and payable monthly upon certifying the schedules or statements required of them; orders upon the township treasurer; when not paid upon presentation the order shall draw interest.
- § 17. School month; legal holidays.



## ARTICLE VIII.

## REVENUE AND TAXATION.

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| <p>§ 1. Tax rate for ordinary and building purposes; limitation.</p> <p>§ 2. Directors shall furnish certificate of tax levy to the township treasurer; form of certificate.</p> <p>§ 3. Township treasurer shall return said certificate to the county clerk.</p> <p>§ 4. Districts lying in two or more counties; how certified.</p> <p>§ 5. County clerks shall extend the school tax in separate column, and the same shall be collected as other taxes.</p> <p>§ 6. Assessors, in assessing personal property, shall designate the school district in which the person assessed resides.</p> <p>§ 7. County clerks shall transfer the numbers of districts to the collector's books, and extend the rate in each district so as to produce the revenue required.</p> | <p>§ 8. County clerks shall furnish township treasurers a certificate of the amount due.</p> <p>§ 9. Collectors shall pay the taxes to the township treasurer, on or before April 1st; uncollected taxes.</p> <p>§ 10. Districts composed of parts of two or more townships; directors shall designate the treasurer to receive the tax.</p> <p>§ 11. Failure of collector to pay over the tax when due; penalties therefor.</p> <p>§ 12. Officers preparing blank books and notices for assessors shall provide columns and blank spaces for school districts.</p> <p>§ 13. Certificates of directors, filing and return by township treasurer; failure will not vitiate the assessment.</p> |
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## ARTICLE IX.

## BONDS.

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| <p>§ 1. Directors may issue bonds for building purposes and for the purchase of lands, when authorized by a vote of the electors; limitation of indebtedness.</p> <p>§ 2. Bonds shall be registered; record of proceedings authorizing the issue.</p> <p>§ 3. Moneys borrowed; delivery of bonds; record; cancellation.</p> <p>§ 4. Elections for authorizing the issue of bonds; notice; form of notice.</p> | <p>§ 5. Judges and clerk of election; vote shall be by ballot.</p> <p>§ 6. Return of poll-book to township treasurer; penalties for failure to make return.</p> <p>§ 7. Refunding indebtedness; issue of new bonds must be authorized by vote; limitation of indebtedness.</p> |
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## ARTICLE X.

## COUNTY CLERKS.

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| <p>§ 1. County clerks shall furnish list of trustees to county superintendent.</p> <p>§ 2. Record of changes in district boundaries; penalties for failure.</p> <p>§ 3. Districts lying partly in two or more counties; county clerks shall furnish certificate of equalized value of taxable property.</p> <p>§ 4. Certificates of equalized value of taxable property in any district.</p> | <p>§ 5. Computation and extension of school taxes by county clerks; certificate of the amount due each district shall be furnished to the township treasurer.</p> <p>§ 6. County clerks shall certify audited bills of the county superintendent to the State Auditor; the Auditor shall remit and deduct the amount from the school fund of the county.</p> <p>§ 7. County clerks shall keep a record of the annual reports of the county superintendent.</p> |
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## ARTICLE XI.

## COUNTY BOARD.

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| <p>§ 1. County boards, powers defined—</p> <ol style="list-style-type: none"> <li>1. To approve the official bond of county superintendent.</li> <li>2. To increase the penalty of said bond.</li> <li>3. To remove the county superintendent for cause.</li> <li>4. To require county superintendent to give new bonds.</li> <li>5. To require county superintendent to make reports to the county board, upon pain of removal from office.</li> <li>6. To limit the time allowed county superintendent.</li> <li>7. To authorize the county superintendent to employ assistants, and fix their compensation.</li> </ol> <p>§ 2. County boards, duties defined—</p> <ol style="list-style-type: none"> <li>1. To provide county superintendent with a suitable office.</li> </ol> | <ol style="list-style-type: none"> <li>2. To fill vacancies in the office of county superintendent by appointment, and to order elections therefor.</li> <li>3. To examine and approve or reject the reports of county superintendent; to examine the notes and securities.</li> <li>4. To examine and audit quarterly the bills of county superintendent.</li> </ol> <p>§ 3. At the first regular meeting of the county board the county superintendent shall present—</p> <ol style="list-style-type: none"> <li>1. Statement of sales of school lands.</li> <li>2. Statement of funds received and paid out, loaned out and on hand.</li> <li>3. Transcript from the loan book "C"; the board shall examine the statements; penalties for neglect of duty.</li> </ol> |
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## ARTICLE XII.

## SCHOOL FUNDS.

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| <p>§ 1. State school fund; how created.</p> <p>§ 2. Rate of interest paid by the State.</p> <p>§ 3. Distribution of State school fund to the counties; how dividend shall be ascertained; duties of State Auditor; warrant shall issue to county superintendent; payment of warrants by county officers and credits therefor.</p> <p>§ 4. Warrants so issued shall be received by the State Treasurer in settlement with county collectors.</p> <p>§ 5. Failure of county collectors to pay warrants by March 1; penalties.</p> <p>§ 6. Permanent township and county funds; how constituted and how treated.</p> | <p>§ 7. District funds, controlled by the board of directors.</p> <p>§ 8. Form of orders drawn by the board of directors.</p> <p>§ 9. Districts composed of parts of townships; township treasurers shall notify directors of funds in their possession in certain cases.</p> <p>§ 10. Loaning funds in districts controlled by special charters; such funds may be loaned under the provisions of this act.</p> |
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## ARTICLE XIII.

## SCHOOL LANDS.

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| <p>§ 1. Section 16 and lands granted in lieu thereof shall constitute the school lands of this State under this act.</p> <p>§ 2. Township business; where transacted.</p> <p>§ 3. Sale or lease of lands by the trustees; limitation of leases.</p> <p>§ 4. Sale of right of way or depot grounds to railroad companies.</p> <p>§ 5. Trespass in cutting timber on lands; damages.</p> <p>§ 6. Trespass; penalties.</p> <p>§ 7. Fines and penalties.</p> <p>§ 8. Sale of school lands; petition therefor; petition must be signed before witnesses; affidavit of witnesses.</p> <p>§ 9. Sale of lands in fractional townships.</p> <p>§ 10. County superintendent shall notify the trustees when petitions have been properly presented; trustees shall divide the land into lots.</p> | <p>§ 11. Trustees shall cause the land to be platted, showing number and boundaries of lots.</p> <p>§ 12. Sub-division shall contain no lot of over 80 acres; may be sub-divided into town and village lots, with roads, streets and alleys.</p> <p>§ 13. Trustees shall fix a valuation upon each lot and certify to the plat and valuation, and deliver the same to the county superintendent.</p> <p>§ 14. County superintendent shall advertise before selling; form of advertisement.</p> <p>§ 15. Sale shall take place at the court house or on the premises.</p> <p>§ 16. Terms—cash to the highest bidder, with the privilege of borrowing the amount or any part of the amount of his bid, by giving security, as in the case of a loan.</p> <p>§ 17. Manner of making sale; time of sale.</p> |
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| <p>§ 18. At the close of each days sale purchase money must be paid or secured; otherwise the lot sold shall be exposed again the next day and the purchaser on the first day held for the difference, if any.</p> <p>§ 19. Lands offered at public sale and not sold may be sold at private sale at the valuation price.</p> <p>§ 20. Valuation of lands not sold after two years may be vacated and a new valuation made by the trustees.</p> <p>§ 21. Record of sales in book "B"; certificates of purchase.</p> <p>§ 22. Sales of school lands shall be reported to the county board by the county superintendent.</p> | <p>§ 23. Sales shall also be reported to the State Auditor; county clerk shall record and file statements made to the county board.</p> <p>§ 24. Patents, how executed; effect of.</p> <p>§ 25. Duplicate certificates of purchase and patents, how obtained; effect of.</p> <p>§ 26. Sales of real estate taken for debts.</p> <p>§ 27. Streets and highways, dedicating lands to the public use. Railroads prohibited from using lands so dedicated without compensation.</p> |
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## ARTICLE XIV.

### FINES AND FORFEITURES.

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| <p>§ 1. All fines, penalties and forfeitures, except in towns and cities for violation of ordinances, shall be paid to the county superintendent and shall be distributed as other school funds.</p> <p>§ 2. State's attorneys shall enforce the collection of fines and pay the same to the county superintendent.</p> <p>§ 3. Justices of the peace shall enforce the collection of fines imposed by them.</p> <p>§ 4. Clerks of courts, state's attorneys and justices shall report annually in March, under oath, to the county court the fines imposed; if no fines have been collected, affidavit shall</p> | <p>be made to that effect and filed with the county superintendent; judges of the county court shall examine said report and if found correct shall approve it; if disapproved the court may order a new one, and shall enforce a compliance with the order; notice shall be given to the county superintendent before the approval of a report; penalties for failure to make reports.</p> <p>§ 5. Failure or refusal to pay over fines on demand; penalties.</p> <p>§ 6. Penalties for failure to make report as required by section 4 of this article; judge of the county court shall examine the records of the delinquent and enforce payment.</p> |
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## ARTICLE XV.

### LIABILITY OF SCHOOL OFFICERS.

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| <p>§ 1. Trustees; irregular or insufficient securities; examination and action thereon upon notice by the county superintendent; penalties for failure; personal liability.</p> <p>§ 2. Judges of elections; failure or neglect to make return of poll-book; penalties.</p> | <p>§ 3. Directors; failure to deliver schedules to the township treasurer; personal liability for damages.</p> <p>§ 4. Township treasurer; failure or refusal to perform the duties required by law; personal liability.</p> |
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| <p>§ 5. Resignation or removal of the treasurer; surrender of funds, securities, books, papers, etc., of the office; death of treasurer; representatives and sureties shall make surrender; penalties for failure.</p> <p>§ 6. Conversion or appropriation of moneys by school officers to their own use; penalties.</p> <p>§ 7. Trustees liable for securities taken from township treasurer.</p> <p>§ 8. Real estate of school officers bound for the satisfaction of claims from date of issuing process for recovery; liens can not be avoided.</p> <p>§ 9. Trustees; failure to make return of children in the township; penalties.</p> <p>§ 10. School officers; failure to make return of statistics and other information; penalties.</p> | <p>§ 11. School officers; custody of funds and property; responsibility for failure or refusal to perform duties required by law or regulation.</p> <p>§ 12. Appropriations of school money shall not be made in aid of any sectarian school or church; penalties for violation of this section.</p> <p>§ 13. Teachers and school officers shall not be interested in the sale, proceeds or profits of any book, furniture or apparatus; penalties for offenses under this section.</p> <p>§ 14. Colored children in the schools; penalties for exclusion or aiding in excluding.</p> |
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## ARTICLE XVI.

## MISCELLANEOUS.

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| <p>§ 1. Court costs; school officers not liable for.</p> <p>§ 2. Women eligible to office under the school laws of this State.</p> <p>§ 3. Women shall qualify and give bond, as in other cases.</p> <p>§ 4. School boards and officers prohibited from excluding children of proper age from the schools on account of color.</p> <p>§ 5. Preventing by threats, menace or intimidation, any child from attending the public schools; penalties.</p> <p>§ 6. Officers paying money to township treasurers shall, in September, annually, notify boards of trustees and directors of the amount paid.</p> <p>§ 7. Boards of education or directors in cities having less than 100,000 population, operating the schools under special acts, shall, in July, annually, if required so to do, report to the State Superintendent such statistics and information as may be required; failure to so report shall forfeit to the delinquent any claim upon the school fund.</p> | <p>§ 8. Officers of educational and literary institutions shall report annually, August 1, to the State Superintendent such information as by this section required.</p> <p>§ 9. Judgment against school officers: how paid; process of service.</p> <p>§ 10. School officers performing the duties of trustees, directors and similar duties, shall receive no compensation, but shall be exempt from road labor and military duty.</p> <p>§ 11. School officers now in service shall remain in office until the election and qualification of their successors under this act.</p> <p>§ 12. Acts repealed.</p> <p>§ 13. Emergency.</p> |
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*AN ACT to establish and maintain a system of free schools.*

*Be it enacted by the People of the State of Illinois, represented in the General Assembly as follows:*

## ARTICLE I.

### STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

SECTION 1. That at the 'election' to be held on Tuesday after the first Monday in November, in the year of our Lord one thousand eight hundred and ninety, and quadrennially thereafter, there shall be elected, by the legal voters of this State, a State Superintendent of Public Instruction, who shall hold his office for four years from the second Monday in January next after his election, and until his successor is duly elected and qualified.

§ 2. Before entering upon his duties he shall take and subscribe the oath of office prescribed by the constitution, and shall also execute a bond, in the penalty of twenty-five thousand dollars, payable to the People of the State of Illinois, with securities to be approved by the Governor, conditioned for the prompt discharge of his duties as superintendent of public instruction, and for the faithful application and disposition, according to law, of all school moneys that may come into his hands by virtue of his office. Said bond and oath shall be deposited with the Secretary of State, and an action may be maintained thereon by the State at any time for a breach of the conditions thereof.

§ 3. And the said State Superintendent shall receive, annually, such sum as may be provided by law, as a salary for the services required under the provisions of this act, or any other law that may be passed, and also all necessary contingent expenses for books, postage and stationery pertaining to his office, to be audited and paid by the State as the salaries and contingent expenses of other officers are paid.

§ 4. It shall be the duty of the said State Superintendent of Public Instruction—

First—To keep an office at the seat of government of the State.

Second—To file all papers, reports and public documents transmitted to him by the school officers of the several counties, each year separately.

Third—To keep and preserve all other public documents, books and papers relative to schools, coming into his hands as State Superintendent, and to hold the same in readiness to be exhibited to the Governor, or to any committee of either house of the general assembly.

Fourth—To keep a fair record of all matters pertaining to the business of his office.

Fifth—To pay over, without delay, all sums of money which may come into his hands by virtue of his office, to the officer or person entitled to receive the same, in such manner as may be prescribed by law.

Sixth—To counsel and advise, in such manner as he may deem most advisable, with experienced and practical school teachers, as to the best manner of conducting common schools.

Seventh—To supervise all the common and public schools in the State.

Eighth—To be the general adviser and assistant of county superintendents of schools in this State.

Ninth—To address circular letters to county superintendents, from time to time, as he shall deem for the interests of schools, giving advice as to the best manner of conducting schools, constructing school houses, furnishing the same, examining and procuring competent teachers.

Tenth—To, on or before the 1st day of November preceding each regular session of the General Assembly, report to the Governor the condition of the schools in the several counties of the State; the whole number of schools which have been taught in each county in each of the preceding years, commencing on the 1st of July, what part of said number have been taught by males exclusively, and what part by females exclusively, what part of the said whole number have been taught by males and females at the same time, and what part by males and females at different periods; the number of scholars in attendance at said schools; the number of persons in each county under twenty-one years of age, and the number of such persons between the ages of twelve and twenty-one years that are unable to read and write; the amount of township and county funds; the amount of the interest of the state or common school fund, and of the interest of the township and county fund annually paid out; the amount raised by an *ad valorem* tax; the whole amount annually expended for schools; the number of school houses, their kind and condition; the number of townships and parts of townships in each county; the number and description of books and apparatus purchased for the use of schools and school libraries under the provisions of this act, the price paid for the same, the total amount purchased, and what quantity and how distributed; the number and condition of the libraries, together with such other information and suggestions as he may deem important in relation to the school laws, schools, and the means of promoting education throughout the State, which report shall be laid before the General Assembly at each regular session.

Eleventh—To make such rules and regulations as may be necessary and expedient to carry into efficient and uniform effect the provisions of this act, and of all the laws which now are or may hereafter be in force for establishing and maintaining free schools in this State.

Twelfth—To be the legal adviser of all school officers, and, when requested by any such school officers, to give his opinion in writing upon any question arising under the school laws of this State.

Thirteenth—To hear and determine all controversies arising under the school laws of this State, coming to him by appeal from the county superintendent, upon a written statement of facts certified by the county superintendent.

Fourteenth—To receive and file all proper reports made to him from time to time by the several county superintendents of this State, as required by article 2 of this act.

Fifteenth—To grant state certificates to such teachers as may be found worthy to receive them, as provided for in section 2 of article 7 of this act.

Sixteenth—To be *ex officio* a member of the board of trustees of the University of Illinois and of the Southern Normal University.

Seventeenth—To be *ex officio* a member of the board of education of the State of Illinois, and to act as secretary thereof.

Eighteenth—To report to the general assembly of Illinois, at its regular sessions, the condition and expenditures of the normal university, and such other information as may be directed by the board of education of the state of Illinois or by the general assembly of this State.

Nineteenth—To visit such of the charitable institutions of this State as are educational in their character, and to examine their facilities for instruction, and to prescribe forms for such reports as he may desire from the superintendents of such charitable institutions.

§ 5. The said State Superintendent of Public Instruction shall be clothed with the following powers:

First—To direct and cause the county superintendent of any county, directors or boards of trustees or township treasurer of any township or other school officer to withhold from any officer, township, district or teacher, any part of the common school, or township, or other school fund, until such officer, township treasurer or teacher shall have made all schedules, reports and returns required of him by this act, and until such officer shall have executed and filed all



official bonds and accounted for all common school or township or other school funds which have heretofore come into his hands, as required of him by this act.

Second—To require the several county superintendents of this State to furnish him with such information relating to their several offices as he may desire to embody in his report to the general assembly of this State.

Third—To require the board of trustees of each township in this State to make, at any time he may desire, a report similar to the report required to be made by such trustees on or before the fifteenth day of July preceding each regular session of the general assembly of this State as provided for in section 28 of article 3 of this act.

Fourth—Upon the recommendation of the county superintendent, or for good and sufficient reasons, to remit the forfeiture of the school fund by any township which may have failed to make the reports required by law.

Fifth—To determine and designate the particular statistics relating to schools, which the inferior officers shall report to the county superintendent for the use of his office.

Sixth—To authorize the several county superintendents to procure such assistance as may be necessary to conduct county teachers' institutes for not less than five days in each year.

Seventh—To require annual reports from the authorities of incorporated towns, townships, cities or districts holding schools by authority of special charters to the same extent as regular school officers are or may be required to make such reports.

Eighth—To require the president, principal or other proper officer of every organized university, college, seminary, academy or other literary institution whether incorporated or unincorporated, or hereafter to be incorporated in this State to make out such report as he may require in order that he may lay before the general assembly a fair and full exhibit of the affairs and conditions of such institutions and of the educational resources of the State.

Ninth—To require the Auditor of Public Accounts to withhold from the county superintendent of any county, the amount due any such county for its share of the interest on state school fund, or said county superintendent for his per diem compensation, until the report provided for in section 17, of article 2 of this act, shall have been furnished as therein required.

§ 6. The said State Superintendent of Public Instruction shall not be interested in the sale, proceeds or profits of any book, apparatus or furniture used or to be used in any school in this State, and for offending against the provisions of this section,

he shall be liable to indictment, and upon conviction, shall be fined in a sum not less than twenty-five nor more than five hundred dollars, and may be imprisoned in the county jail not less than one month nor more than twelve months, at the discretion of the court.

## ARTICLE II.

### COUNTY SUPERINTENDENTS.

SECTION 1. On Tuesday next after the first Monday in November, A. D. 1890, and quadrennially thereafter, there shall be elected by the qualified voters of every county in this State, a county superintendent of schools, who shall perform the duties required by law, and shall enter upon the discharge of his duties on the first Monday of December after his election.

§ 2. He shall, before entering upon his duties, take the oath prescribed by the constitution, and execute a bond payable to the People of the State of Illinois, with two or more responsible free-holders as security, to be approved by the county board or by the judge and clerk of the county court, in a penalty of not less than twelve thousand dollars (\$12,000), to be increased at the discretion of the said county board, conditioned that he will faithfully perform all the duties of his office according to the laws which are or may be in force, during his term of office.

§ 3. The bond required in the foregoing section shall be in the following form, viz.:

STATE OF ILLINOIS, }  
..... County } ss.

Know all men by these presents, that we A. B., C. D. and E. F., are held and firmly bound, jointly and severally, unto the People of the State of Illinois, in the penal sum of .....dollars, to the payment of which we bind ourselves, our heirs, executors and administrators firmly by these presents.

In witness whereof, we have hereunto set our hands and seals, this.....day of ..... A. D. 18.....

The condition of the above obligation is such, that if the above bounden A. B., county superintendent of the county aforesaid, shall faithfully discharge all the duties of such office, according to the laws which now are and may hereafter be in force, and shall deliver over to his successor in office, all

moneys, books and papers, and property in his hands, as such county superintendent, then this obligation to be void; otherwise to remain in full force and virtue.

A. B. (Seal.)

C. D. (Seal.)

E. F. (Seal.)

And which bond shall be filed in the office of the county clerk.

§ 4. The obligors in such bond shall be bound jointly and severally, and upon it an action (or actions) may be maintained by the board of trustees of the proper township, or any other corporate body interested, for the benefit of any township or fund injured by any breach of the conditions thereof.

§ 5. If a majority of the county board shall be satisfied at any time that the bond of said county superintendent is insufficient, it shall be the duty of such superintendent, upon notice being given to him by the clerk of such board, to execute a new bond, conditioned and approved as the first bond; provided that the execution of such new bond shall not effect the old bond or the liability of the securities thereon.

§ 6. It shall be the duty of the county board of the county to provide the said county superintendent with a suitable office, with necessary furniture and office supplies as is done in the case of other county officers.

§ 7. The said county superintendent shall be liable to removal by the county board for any palpable violation of law or omission of duty.

§ 8. When the office of county superintendent shall become vacant by death, resignation, the removal of the incumbent by the county board or otherwise, the county board shall fill the vacancy by appointment, and the person so appointed shall hold his office until the next election of county officers, at which election the county board shall order the election of a successor.

§ 9. In counties having not more than one hundred (100) schools, the county board may limit the time of the superintendent: *Provided*, that in counties having not more than fifty (50) schools the limit of time shall not be made less than one hundred and fifty (150) days a year; in counties having from fifty-one (51) to seventy-five (75) schools, not less than two hundred (200) days a year; and in counties having from seventy-six (76) to one hundred (100) schools, not less than two hundred and fifty (250) days a year.

§ 10. The county superintendent may, with the approval of the county board, employ such assistant or assistants as he needs for the full discharge of his duties. Such assistants shall

be persons of good attainments, versed in the principles and methods of education, familiar with public school work, and competent to visit schools. Such assistants shall receive such compensation as may be fixed by the county board.

§ 11. County superintendents shall receive in full, for all services rendered by them, commissions as follows: Three per cent. commission upon the amount of sales of school lands, or sales of land upon mortgage, or of sales of real estate taken for debt, including all services therewith. Two per cent. commission upon all sums distributed, paid or loaned out by them for the support of schools. For all other duties required by law to be performed by them, four dollars (\$4) a day for such number of days as shall be spent in the actual performance of their duties, not exceeding the number fixed by the county boards in counties in which the boards are given power to fix the number of days by section 9 of this article of this act, and one dollar a day for expenses for the number of days actually spent in school visitation.

§ 12. The county superintendents shall present under oath or affirmation their itemized bills for their per diem compensation and for the expenses allowed by this article of this act, when visiting schools, together with a report of all their acts as such county superintendent, or assistant, including a list of all the schools visited, with the dates of visitation, to the county board, at the annual meeting of such board in September, and as near quarterly thereafter as such board may have regular or special meetings, and after the bills have been audited by the county board, the county clerk shall certify to such auditing upon the bills and transmit them to the Auditor of Public Accounts, who shall upon receipt of them, remit in payment thereof to each superintendent his warrant upon the State Treasurer for the amount certified to be due him. The said Auditor, in making his warrant to any county for the amount due it from the State school fund, shall deduct from it the several amounts for which warrants have been issued to the county superintendent of said county since the next preceding apportionment of the state school fund.

§ 13. It shall be the duty of each county superintendent of schools in this State:

First—To sell township fund lands, issue certificates of purchase, report to the county board and State Auditor, and perform all other duties pertaining thereto as required by article 13 of this act.

Second—To register applicants for admission to the state normal universities and to the University of Illinois, and to assist in the examination of the same as directed by the state board of education or other proper authorities.

Third—To visit each school in the county, at least once a year; and in the performance of this duty he shall spend at least half the time given to his office, and more, if practicable, in visiting ungraded schools.

Fourth—To note, when visiting schools, the methods of instruction, the branches taught, the text books used and the discipline, government and general condition of the schools.

Fifth—to give to teachers and school officers such directions in the science, art and methods of teaching and courses of study as he may deem expedient and necessary.

Sixth—To act as the official adviser and constant assistant of the school officers and teachers of his county, and in the performance of this duty he shall faithfully carry out the advice and instruction of the State Superintendent of Public Instruction.

Seventh—To conduct, as provided in section 10 of article 7 of this act, a teachers' institute, and to aid and encourage the formation of other teachers' meetings, and to assist in their management.

Eighth—To labor in every practicable way to elevate the standard of teaching, and improve the condition of the common schools of his county.

Ninth—To examine, at least once each year, all books, accounts and vouchers of every township treasurer in his county, and if he finds any irregularities in them, he shall at once report the same in writing to the board of trustees, whose duty it shall be to take immediately such action as the case demands.

Tenth—To examine all notes, bonds, mortgages and other evidences of indebtedness which the township treasurer holds officially; and if he finds that the papers are not in proper form, or that the securities are insufficient, he shall so state in writing to the board of trustees.

Eleventh—To give notice of the election of trustees in cases such as those provided for in section 15, article 3, of this act.

Twelfth—To file and safely keep the poll books and returns of any election required to be returned to the county superintendent by any provision of this act.

Thirteenth—To investigate and determine all matters pertaining to the change in the boundaries of school districts which may come to him by appeal from the decision of the school trustees, and to notify the township treasurer, from whom the papers relating to the matter were received, of his decision of the matter.

Fourteenth—To give notice of the election of school directors in cases such as are provided for in section 9 of article 5 of this act.

Fifteenth—To hold meetings, at least quarterly, for the examination of teachers, as provided for in section 7 of article 7 of this act.

Sixteenth—To grant certificates of qualification to such persons as may be qualified to receive them, as provided for in section 3 of of article 7 of this act, and to keep a record of all teachers to whom such certificates have been granted, as provided for by section 4 of article 7 of this act; and to keep a record of all teachers employed in teaching in his county.

Seventeenth—To keep a just and true account of all moneys received and all moneys paid out on account of the "institute fund," and make report thereof to the county board, as provided for in section 9 of article 7 of this act.

Eighteenth—To present to the county board of the county, at the first regular meeting thereof, annually, the report required by section 3 of article 11 of this act.

Nineteenth—To notify presidents of boards of trustees and clerks of school districts, on or before September 30th, annually, of the amount of money paid by him to the township treasurer, and the date of such payments.

Twentieth—To receive and file, on or before the fifteenth day of July, preceding each regular session of the general assembly, and at such other times as may be required by the state or county superintendent, a statement from the board of trustees of each township giving such statistics and information as may be called for.

§ 14. The said county superintendent shall have power:

First—To require the board of trustees of each township in his county to make, at any time he may desire, the report provided for in section 28 of article 3 of this act.

Second—To recommend to the State<sup>e</sup> superintendent the remission of the penalty provided for a failure by the trustee of schools to make the reports provided for by law.

Third—To renew teachers' certificates at the expiration by his endorsement thereon.

Fourth—To revoke the certificate of any teacher for immorality, incompetency or other just cause.

Fifth—To direct in what manner township treasurers shall keep their books and accounts.

Sixth—To bring suit against the county collector for a failure to pay state auditor's warrant as provided for in section 5 of article 12 of this act.

Seventh—To remove any school director from office for a wilfull failure to perform the duties of his office.

Eighth—To lease and sell real estate in cases provided for in section 26 of article 13 of this act, in the manner therein specified.

§ 15. The said county superintendent shall provide three well bound books which shall be paid for from the county treasury. These books shall be known and designated by the letters A, B, C, for the following purposes: In book A he shall record at length all petitions presented to him for the sale of common school lands, and the plats and certificates of valuation made by or under the direction of the trustees of school, and the affidavits in relation to the same. In book B he shall keep an account of all sales of common school lands, which account shall contain the date of sale, name of purchaser, description of land sold and the sum sold for. In book C he shall keep a regular account of all moneys received for land sold or otherwise, and loaned or paid out; the persons from whom received and what account, and showing whether it is principal or interest; the person to whom loaned, the time for which the loan was made, the rate of interest, the names of the securities, when personal security is taken, or if real estate is taken as security, a description of the real estate; and if paid out, to whom, when and on what account and the amount paid out; the list of sales, and the account of each township fund to be kept separate.

§ 16. The county superintendent shall report, in writing, to the county board, at their regular meeting in September of each year, giving first, the balance on hand at the time of the last report and a statement in detail of all receipts since that date, and the sources from which they were derived; second, the amount paid for expenses; third, the amount of his commissions; fourth, the amount distributed to each of the township treasurers in his county; fifth, any balance on hand. He shall also present for inspection at the same time his books and vouchers for all expenditures, and all notes or other evidences of indebtedness which he holds officially, with the securities of the same; and he shall give in writing a statement of the condition of the county fund, of the institute fund, and of any township funds of which he may have the custody.

§ 17. On or before the fifteenth day of August before each regular session of the general assembly of this State, or annually, if so required by the State Superintendent of Public Instruction, the county superintendent shall communicate to said State Superintendent all such information and statistics upon the subject of schools in his said county as the State Superin-

tendent is bound to embody in his report to the Governor, and such other information as the State Superintendent shall require.

§ 18. In all cases where the township board of trustees of any township shall fail to prepare and forward, or cause to be prepared and forwarded, to the county superintendent the information and statistics required of them in this act, it shall be the duty of the said county superintendent to employ a competent person to take the enumeration and furnish such statistical statement, as far as practical, to the superintendent; and such person so employed shall have free access to the books and papers of said township to enable him to make such statement; and the township treasurer, or other officer or person in whose custody such books and papers may be, shall permit such person to examine such books and papers, at such times and places as such person may desire for the purposes aforesaid; and the said county superintendent shall allow, and pay to the person so employed by him, for the services, such amount as he may judge reasonable out of any money which is or may come into said superintendent's hands, apportioned as the share of or belonging to such township; and the said county superintendent shall proceed to recover and collect the amount so allowed or paid for such services, in a civil action before any justice of the peace in the county, or before any court having jurisdiction, in the name of the People of the State of Illinois of and against the trustees of schools of said township, in their individual capacity; and in such suit or suits the said county superintendent and township treasurer shall be competent witnesses; and the money so recovered, when collected, shall be paid over to the county superintendent for the benefit of said township, to replace the money taken as aforesaid.

§ 19. Whenever the bond of any township treasurer approved by the board of trustees of schools, as required by law, shall be delivered to the county superintendent, he shall carefully examine the same, and if the instrument is found in all respects to be according to law, and the securities good and sufficient, he shall endorse his approval thereon, have it recorded in the circuit clerk's office, and file the same with the papers of his office; but if said bond is in any respect defective or if the penalty is insufficient, he shall return it for correction. When the bond shall have been duly received and filed, the superintendent shall, on demand, deliver to said township treasurer a written statement certifying that his bond has been approved and filed, and that said township treasurer is entitled to the care and custody, on demand, of all moneys, bonds, mortgages, notes and securities, and all books, papers and property of every description belonging to said township.



§ 20. Upon the receipt of the amount due upon the Auditor's warrant the county superintendent shall apportion said amount, also the interest on the county fund and the fines and forfeitures, to the several townships and parts of townships in his county, in which townships or parts of townships schools have been kept in accordance with the provisions of this act, and with the instructions of the state and county superintendents, according to the number of children under twenty-one years of age, returned to him, and shall pay over the distributive share belonging to each township and fractional township, to the respective township treasurers, or other authorized person, annually: *Provided*, that no part of the state, county or other school fund shall be paid to any township treasurer or other person authorized by said treasurer, unless said township treasurer has filed his bond, as required by section 1, of article 4., of this act, nor in case said treasurer is reappointed by the trustees, unless he shall have renewed his bond and filed the same as aforesaid.

§ 21. The county superintendent may loan any money, not interest, belonging to the county fund, or to any township fund before the same is called for, according to law, by the township treasurer, at the same rate of interest, upon the same security and for the same length of time as is provided by this act in relation to the township treasurers, and apportion the interest as provided in the preceding section; and notes and mortgages taken in the name of the "county superintendent" of the proper county are hereby declared to be as valid as if taken in the name of "trustees of schools" of the proper township, and suits may be brought in the name of "county superintendents," on all notes and mortgages heretofore or hereafter made payable to the county superintendents.

§ 22. In all controversies arising under the school law, the opinion and advice of the county superintendent shall first be sought, whence appeal may be taken to the State Superintendent of Public Instruction upon a written statement of facts certified by the county superintendent.

§ 23. The county superintendent, upon his removal or resignation, or at the expiration of his term of office, (or in case of his death his representatives) shall deliver over to his successor in office, on demand, all moneys, books, papers and personal property belonging to the office or subject to the control or disposition of the county superintendent.

## ARTICLE III.

## TOWNSHIPS—TRUSTEES OF SCHOOLS.

Section 1. Each congressional township is hereby established a township for school purposes.

§ 2. Whenever any fractional township contains less than forty persons under twenty-one years of age, the trustees thereof, upon petition of a majority of the adult inhabitants of such fractional township, may, by written agreement entered into with the board of trustees of any adjacent township, consolidate the territory, school funds and other property of such fractional township with such adjacent township, and thereafter shall cease to exercise the functions of school trustees for such fractional township; and such territory, school funds and other property, aforesaid, shall thereafter be managed by the board of trustees of such adjacent and consolidated township, in accordance with the terms of agreement aforesaid, in the same manner as is, or may be provided by law, for the management of territory, funds and other property of school townships: *Provided*, that the said written agreement shall be duly signed by a majority of the said trustees and filed for record by the said trustees in the office of the county clerk of the county in which such consolidated township, or the greater part thereof, is situated.

§ 3. The school business of the township shall be done by three trustees, to be elected by the legal voters of the township as hereinafter provided for.

§ 4. Said trustees shall be a body politic and corporate, by the name and style of "trustees of schools of township No....., range No.....," according to the number. The said corporation shall have perpetual existence; shall have power to sue and be sued, to plead and be impleaded in all courts and places where judicial proceeding are had.

§ 5. The election of trustees of schools shall be on the second Saturday in April annually.

§ 6. At the first regular election of trustees, after the passage of this act, a successor to the trustee, whose term of office then expires, shall be elected, and thereafter one trustee shall be elected annually. Said trustees shall continue in office three years and until their successors are elected and enter upon the duties of their office.

§ 7. No person shall be eligible to the office of trustee of schools unless twenty-one years of age, and a resident of the township. And where there are three or more school districts in any township, no two trustees shall reside, when elected.

in the same school district, nor shall a person be eligible to the office of trustee of schools and school director at the same time.

§ 8. Notice of the election of school trustee shall be given by the township treasurer, upon the order of the trustees of schools, by posting notices of such election at least ten days previous to the time of such election, in not less than five of the most public places in said township, which notices shall specify the time and place of election and the object thereof, and may be in the following form, viz.:

Public notice is hereby given that on Saturday, the ..... day of April, A. D....., an election will be held at ....., between the hours of ..... and ..... of said day, for the purpose of electing ..... school trustee for township No. ...., range No. .... By order of the board of trustees of said township.

Signed, .....

*Township Treasurer.*

§ 9. In townships where no election for school trustees has heretofore been held, or in townships where from any cause, there are no trustees of schools, the election of trustees of schools may be holden on any Saturday, notice thereof being given as required by section 8 of this article. The first election in such township shall be ordered by the county clerk of the county, who shall cause notice to be given as aforesaid.

§ 10. In case of an election held, as required by the preceding section, the trustees elected, at their first meeting, shall draw lots for their respective terms of office for one, two and three years, and thereafter one trustee shall be elected annually, at the usual time for electing trustees, to fill the vacancy occurring. At all elections, after said first election, the said notice shall be given by the trustees of schools through the township treasurer, as in other elections for trustees.

§ 11. The trustees of schools of incorporated townships present shall act as judges, and choose a person to act as clerk of said election. If the trustees (or any of them) shall fail to attend, or refuse to act when present, the legal voters present shall choose from their own number such additional judges as may be necessary. In any township lying within the limits of a city, village or incorporated town, which has adopted the provisions of "An act regulating the holding of elections, and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, the said election shall be held under the provisions said act. In unincorporated townships the qualified voters present shall choose from amongst themselves the number of judges required to open and conduct said election.

§ 12. No person shall vote at any school election held under this act unless he possesses the qualification of a voter at a general election.

§ 13. The time and manner of opening, conducting and closing said election, and the several liabilities appertaining to the judges and clerks and to the voters, separately and collectively, and the manner of contesting said election, shall be the same as prescribed by the general election laws of this State defining the manner of electing magistrates and constables, so far as applicable, subject to the provisions of this act: *Provided*, that said election may commence, if so specified in the notice, at any hour between the hours of eight (8) o'clock a. m. and one (1) o'clock p. m., and the judges may close such election at four (4) o'clock p. m.

§ 14. If upon any day appointed for the election of trustees of schools the said trustees of schools or judges shall be of opinion that, on account of the small attendance of voters, the public good requires it, or if the majority of the voters present shall desire it, they shall postpone said election until the next Saturday, at the same place and hour; at which time and meeting the voters shall proceed as if it were not a postponed or adjourned meeting: *Provided*, that if notice shall not have been given of such election, as required by section 8 of this article, then and in that case said election may be ordered as aforesaid, and holden on any other Saturday, notice thereof being given as aforesaid.

§ 15. If the township treasurer shall fail or refuse to give notice of the regular election of trustees, as required by said section 8 of this article, and if, in case of a vacancy, the remaining trustee or trustees shall fail or refuse to order an election to fill such vacancy, as required by section 16 of this article; then and in each of such cases, it shall be the duty of the county superintendent to order an election of trustees to fill such vacancies as aforesaid; and all elections so ordered and held shall be valid to all intents and purposes whatever.

§ 16. When a vacancy or vacancies shall occur in the board of trustees of schools, the remaining trustee or trustees shall order an election to fill such vacancy, upon any Saturday, notice to be given as required by said section 8 of this article.

§ 17. In case of a tie vote at any election of trustees of schools, the election shall be determined by lot, on the day of the election, by judges thereof.

§ 18. In townships where, for general elections, there are more than two (2) polling places, the trustees shall give notice that polls will be opened for such elections in at least two places; in which case at least one of said trustees shall attend at each of said places, and additional judges shall be chosen

as provided in section eleven (11) of this article: *Provided*, there shall be at least one polling place for each eight hundred legal voters in said township. Should the polling places be in excess of the number of trustees, then the voters at such polling places so in excess shall select from their number the requisite number of voters, who shall act as judges of said election in the manner provided by said section eleven (11) for the election of trustees in unincorporated townships. Said judges shall return the ballots and original poll books, with a certificate thereon, showing the result of the election in said precinct, to the township treasurer of the township in which said election shall be held, whereupon it shall be the duty of the board of trustees of said township, within five days after said election, to meet and to canvass the returns from each precinct, to make out a certificate showing the number of votes cast for each person in each precinct, and in the whole township, and shall file said certificate with the county superintendent of schools as otherwise provided by law.

§ 19. In counties adopting township organization, in each and every township whose boundaries coincide and are identical with those of the town, as established under the township organization laws, the trustee or trustees shall be elected at the same time, and in the same manner as the town officers. In all such townships if no trustees are elected at the stated town meeting, and when vacancies occur in the board, an election of trustee or trustees shall be ordered by the remaining trustee or trustees of schools, through the township treasurer as provided for in section nine (9) of this article.

§ 20. Upon the election of trustees of schools, the judges of the election shall, within ten (10) days thereafter, cause a copy of the poll book of said election to be delivered to the county superintendent of the county, with a certificate thereon showing the election of said trustees and the names of the persons elected; which copy of the poll book, with the certificate, shall be filed by said superintendent and shall be evidence of such election. For a failure to deliver said copy of the poll book and certificate within the time prescribed, the judges shall be liable to a penalty of not less than twenty-five dollars (\$25) nor more than one hundred dollars, (\$100) to be recovered in the name of the People of the State of Illinois, by action of assumpsit, before any justice of the peace of the county; which penalty when collected shall be added to the township school fund of the township.

§ 21. When school trustees are elected at town meetings, as provided in section nineteen (19) of this article, it shall be the duty of the county clerk, as soon as the list of the names of

officers elected at the town meetings is filed with him, to give the county superintendent a list of the names of all school trustees elected at the town meetings of the county, and of the towns for which they are elected.

§ 22. Within ten days after the annual election of trustees the board shall organize by appointing one of their number president, and some person who shall not be a director or trustee, but who shall be a resident of the township, treasurer, if there be a vacancy in this office, who shall be *ex officio* clerk of the board.

§ 23. The president shall hold his office one year, and the treasurer for two years, and until their successors are appointed; but either of said officers may be removed by the board for good and sufficient cause.

§ 24. It shall be the duty of the president to preside at all meetings of the board; and it shall be the duty of the clerk to be present at all meetings of the board, and to record in a book to be provided for the purpose all of their official proceedings, which book shall be a public record, open to the inspection of any person interested therein. All of said proceedings when recorded shall be signed by the president and clerk. If the president or clerk shall be absent or refuse to perform any of the duties of his office at any meeting of the board, a president or clerk *pro tem* may be appointed.

§ 25. It shall be the duty of the board of trustees to hold regular semi-annual meetings on the first Mondays of April and October, and special meetings may be held at such other times as they think proper. Special meetings of the board may be called by the president or any two members thereof. At all meetings two members shall be a quorum for business.

§ 26. At the regular semi-annual meetings on the first Mondays of April and October, the trustees shall ascertain the amount of state, county and township funds on hand and subject to distribution, and shall apportion the same as follows:

First—Whatever sum may be due for the compensation and the books of the treasurer, and such sum as may be deemed reasonable and necessary for dividing school lands, making plats, etc.

Second—And the remainder of such funds shall be divided among the districts or fractions of districts, in which schools have been kept in accordance with the provisions of this act and the instructions of the state and county superintendents during the preceding year ending June 30, in proportion to the number of children under twenty-one (21) years of age in each.

§ 27. The funds thus apportioned shall be placed on the books of the treasurer to the credit of the respective districts, and the

same shall be paid out by the treasurer on the legal orders of the directors of the proper districts in the same manner as other funds of the district are paid out.

§ 28. The board of trustees of each township in this State shall prepare or cause to be prepared, by the township treasurer, the clerk of the board, the directors of the several districts, or other person, and forwarded to the county superintendent of the county in which the township lies, on or before the 15th day of July preceding each regular session of the general assembly of this State, and at such other times as may be required by the county superintendent or by the State Superintendent of Public Instruction, a statement exhibiting the condition of schools in their respective townships for the preceding biennial period, giving separately each year, commencing on the first of July and ending on the last of June, which statement shall be as follows:

First—The whole number of schools which have been taught in each year; what part of said number have been taught by males exclusively; what part have been taught by females exclusively; what part of said whole number have been taught by males and females at the same time, and what part by males and females at different periods.

Second—The whole number of scholars in attendance at all the schools, giving the number of males and females separately.

Third—The number of male and female teachers, giving each separately; the highest, lowest and average monthly compensation paid to male and female teachers, giving each item separately.

Fourth—The number of persons under twenty-one years of age, making a separate enumeration of those above the age of twelve years who are unable to read and write, and the cause or causes of the neglect to educate them.

Fifth—The amount of the principal of the township fund; the amount of interest of the township fund paid into the township treasury; the amount raised by *ad valorem* tax, and the amount of such tax received into the township treasury, and the amount of all other funds received into the township treasury.

Sixth—Amount paid for teachers' wages; the amount paid for school house lots; the amount paid for building, repairing, purchasing, renting and furnishing school houses; the amount paid for school apparatus, for books and other incidental expenses for the use of school libraries; the amount paid as compensation to township officers and others.

Seventh—The whole amount of the receipts and expenditures for school purposes, together with such other statistics and

information in regard to schools as the State Superintendent or county superintendent may require. And any township from which such report is not received in the manner and time required by law, shall forfeit its portion of the public fund for the next ensuing year: *Provided*, that upon the recommendations of the county superintendent, or for good and sufficient reasons, the State Superintendent may remit such forfeiture.

§ 29. In all cases where a township is, or shall be divided by a county line or lines, the board of trustees of such township shall make, or cause to be made separate enumerations of male and female persons of the ages as directed by section 28 of this article, designating separately the number residing in each of the counties in which such township may lie, and forward each respective number to the proper county superintendent of each of said counties; and in like manner as far as practicable, all other statistics and information enumerated and required to be reported in the aforesaid section, shall be separately reported to the several county superintendents; and all such parts of said statistical information as are not susceptible of division and are impracticable to be reported separately, shall be reported to the county superintendent of the county in which the sixteenth section of such township is situated.

§ 30. At each semi-annual meeting, and at such other meetings as they may think proper, the said township board shall examine all books, notes, mortgages, securities, papers, moneys and effects of the corporation, and the accounts and vouchers of the township treasurer, or other township school officer, and shall make such order thereon for their security, preservation, collection, correction of errors, if any, and for their proper management, as may seem to said board necessary.

§ 31. The trustees of schools in each township in the State may receive any gift, grant, donation or devise made for the use of any school or schools, or library, or other school purposes within their jurisdiction; and they shall be and are hereby invested in their corporate capacity, with the title, care and custody of all school houses and school house sites: *Provided*, that the supervision and control of such school houses and school house sites shall be vested in the board of directors of the district.

§ 32. When, in the opinion of any board of directors, the school house site or any buildings have become unnecessary or unsuitable or inconvenient for a school, the board of trustees, on petition of a majority of the voters of the district, shall sell and convey the same in the name of the said board, after giving at least twenty days' notice of such sale by posting up



written or printed notices thereof, particularly describing said property, and the terms of sale, which notice may be in the following form, viz.:

Public notice is hereby given that on the ..... day of ....., A. D. ...., the trustees of schools of township No. ...., range No. .... will sell at public sale, on the premises hereinafter described, between the hours of ten o'clock A. M. and three o'clock P. M., the school house situated on the school house site, known as (here describe the site by its number, commonly known name, or other definite description) and located in the (here describe its place in the section), which sale will be made on the following terms, to-wit: (here insert as "one third of the purchase money cash in hand, and the balance in two equal payments, due in one and two years from the day of the sale, with interest at the rate of ..... per cent. from date.")

A. B.

C. D.

E. F.

Trustees.

And the deed of conveyance of the property so sold shall be executed by the president and clerk of said board, and the proceeds of such sale shall be paid over to the township treasurer, for the benefit of said district.

§ 33. All conveyances of real estate which may be made to said board, shall be made to said board in their corporate name and to their successors in office.

§ 34. The township board shall cause all moneys for the use of the townships and districts to be paid over to the township treasurer, who is hereby constituted and declared to be the only lawful depository and custodian of all township and district school funds. They shall have power also to remove the township treasurer at any time, for any failure or refusal to execute or comply with any order or requisition of said board, legally made and entered of record, or for other improper conduct in the discharge of his duty as treasurer. They shall also have power for any failure or refusal as aforesaid to sue him upon his official bond and recover all damages sustained by the said board in its corporate capacity, by reason of such neglect or refusal as aforesaid.

§ 35. The township trustees are hereby vested with general power and authority to purchase real estate, if in their opinion the interests of the township fund will be promoted thereby, in satisfaction of any judgment or decree wherein the said board or the county superintendent are plaintiffs or complainants; and the title of such real estate so purchased shall vest in said board for the use of the inhabitants of said township, for school purposes.

§ 36. The board of trustees are hereby vested with general power and authority to make all settlements with persons indebted to them in their official capacity, or to receive deeds to real estate in compromise, and to cancel, in such manner as they may think proper, notes, bonds, mortgages, judgments and decrees, existing or that may hereafter exist, for the benefit of the township, when the interests of said township, or of the fund concerned, shall, in their opinion, require it and their action in the premises shall be valid and binding.

§ 37. The board of trustees are hereby authorized to lease or sell at public auction, any land that may come into their possession in the manner provided for in either of the two preceding sections, in such manner and on such terms as they may deem for the interests of the townships. *Provided*, that in all cases of sale of such land, the sale shall be either at the door of the court house, where judicial sales of lands are usually made or else on the premises to be sold, as the trustees may order and direct: *And, provided*, that in all cases of sale of land as provided in this section, the sale shall be made in the manner provided for sale of the sixteenth section by section 14 of article 13 of this act.

§ 38. Upon petition of not less than fifty voters of any school township filed with the township treasurer at least fifteen days preceding the regular election of trustees, it shall be the duty of said treasurer to notify the voters of said township that an election "For" or "Against" a township high school will be held at the said next regular election of trustees, by posting notices of such election in at least ten of the most public places throughout such township, for at least ten days before the day of such regular election, which notices may be in the following manner, viz.:

#### High School Election.

Notice is hereby given that on Saturday, the.....day of April, A. D. .... an election will be held at..... for the purpose of voting "For" or "Against" the proposition to establish a township high school for the benefit of township No. ...., range No. .... The polls for said election will be open at ..... and close at ..... o'clock of said day.

A. B.

Township treasurer.

§ 39. The ballots for such election shall be received and canvassed as in other elections, and may have thereon the name of the person or persons whom the voter desires for trustee or trustees.

§ 40. If a majority of the votes at such election shall be found to be in favor of establishing a township high school, it

shall be the duty of the trustees of the township to call a special election on any Saturday within sixty days from the time of the election establishing the township high school, for the purpose of electing a township board of education, to consist of five members, notice of which election shall be given for the same time and in the same manner as provided for in the election of township trustees. The members elected shall determine by lot, at their first meeting, the length of term each is to serve. Two of the members shall serve for one year each, two for two years, and one for three years from the second Saturday of April next preceding their election. Whenever a vacancy occurs, except by death or resignation, a successor or successors shall be elected, each of whom shall serve for three years, which subsequent election shall be held on the same day and in the same manner as the election of township trustees. In case of vacancy from other cause than the expiration of the term of office, the board shall call an election without delay, which election may be held on any Saturday, notice of which shall be given for the same time and in the same manner as for the election of township trustees. Within ten days after their election, the members of the township board of education shall meet and organize by electing one of their number president, and by electing a secretary. It shall be the duty of the township board of education, to establish at some central point most convenient to a majority of the pupils of the township, a high school for the education of the more advanced pupils.

§ 41. For the purpose of building a school house, supporting the school and paying other necessary expenses, the township shall be regarded as a school district, and the township board of education shall have the power and discharge the duties of directors for such district in all respects.

§ 42. In like manner the voters and trustees of two or more adjoining townships, or parts of townships, may co-operate in the establishment and maintenance of a high school, on such terms as they may, by written agreement made and signed by the boards of trustees, enter into.

§ 43. When any township, townships or parts of townships shall have organized a high school, and wish to discontinue the same, upon petition of not less than a majority of the legal voters of said township, townships or parts of townships, filed with the township treasurers of said townships at least fifteen days preceding a regular election of trustees, it shall be the duty of the said treasurers to notify the voters of the township, townships, or parts of townships that an election will be held on the day of said regular election of trustees, for the purpose of voting "For" or "Against" discontinuing the township high school; which notice shall be given in the same

manner and for the same length of time, and may be in substantially the same form as the notice provided for in section 38 of this article.

§ 44. The ballots for such election shall be received and canvassed in the same manner as provided for in section 39 of this article. If the majority of the votes at such election shall be found in favor of discontinuing the high school, it shall be the duty of the trustees to discontinue the same, and turn all the assets of the said high school over to the school fund of the township or townships interested therein, in proportion to the assessed valuation of said townships, to be used as any other township funds for school purposes.

§ 45. No trustee of schools shall be interested in the sales, proceeds or profits of any book, apparatus or furniture used in any school in this State with which such trustee may be in any manner connected. For offending against the provisions of this section any such trustee shall be liable to indictment, and, upon conviction, shall be fined in a sum not less than twenty-five dollars nor more than five hundred dollars, and may be imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court.

§ 46. Trustees of schools in newly organized townships shall lay off the township into one or more school districts, to suit the wishes or convenience of a majority of the inhabitants of the township, and shall prepare or cause to be prepared a map of the township, on which map shall be designated the district or districts, to be styled, when there are more districts than one, District No. .... in township No. .... range No. .... of the ..... P. M. (according to the proper numbers) county of ..... and state of Illinois.

§ 47. In a township where such division into districts has been made, the said trustees may, in their discretion, at the regular meeting in April, when petitioned as hereinafter provided for, change such districts as lie wholly within their townships, so as:

First—To divide or consolidate districts.

Second—To organize a new district out of territory belonging to two or more districts.

Third—To detach territory from one district and add the same to another district adjacent thereto.

§ 48. No change shall be made as provided for in the preceding section, unless petitioned for:

First—By a majority of the legal voters of each of the districts affected by the proposed change.

Second—By two-thirds ( $\frac{2}{3}$ ) of the legal voters living within certain territory, described in the petition asking that the said territory be detached from one district and added to another.

Third—By two-thirds of all the legal voters living within certain territory, containing not less than ten (10) families, asking that said territory may be made a new district.

§ 49. In school districts, having a population of not less than one thousand inhabitants, any desired change of boundaries may be submitted to the trustees by a vote of the people, instead of by the petition provided for in the preceding section; and when petitioned so to do by twenty-five legal voters of the district, the school board of the district shall submit the question of the change desired, to the voters of said district, at a special election called for that purpose, and held at least thirty days prior to the regular April meeting of the trustees. If a majority of the votes cast at any such election shall be in favor of the change proposed, then, due return of the election having been made to the township treasurer, the township trustees shall consider and take action the same as if petitioned therefor by a majority of the legal voters of such district: *Provided*, that no question of change of boundaries shall be submitted to a vote of the school district more than once in any one year.

§ 50. No petition shall be acted upon by the board of trustees unless such petition shall have been filed with the clerk of the said board of trustees at least twenty days before the regular meeting in April, nor unless a copy of the petition, together with a notice in writing, signed by one or more of the petitioners, shall be delivered by the petitioners, or some one of them, at least ten days before the date at which the petition is to be considered, to the president or clerk of the board of directors of each district whose boundaries will be changed if the petition is granted.

Which notice may be in the following form, to-wit:

The directors in district No....., in township No....., range No..... of the ..... principal meridian, will take notice that the undersigned and others have made and filed with the board of trustees of said township, their petition, a copy of which is herewith handed to you.

Signed.....

§ 51. At the said April meeting, by the concurrent action of the several boards of trustees of the townships in which the district or districts affected lie, each board being petitioned as provided for in section 48 of this article, the same changes may be made in the boundaries both of districts which lie in separate townships, but adjacent to each other, and of districts formed of parts of two or more townships, as are permitted to be made in districts which lie wholly in one township.

§ 52. When at the regular meeting of the trustees in April any petition shall come before the trustees, asking for any change in boundaries, it shall be the duty of the trustees to

ascertain if the foregoing provisions have been strictly complied with; and if it shall appear that they, or either of them, have not been complied with, then, in such case, the board shall adjourn for not longer than four weeks, in order that the foregoing provisions may be complied with; but there shall be but one adjournment for such purpose.

§ 53. If on the day of the regular meeting, or, in case of an adjournment, at the adjourned meeting, it shall appear that such provisions have been complied with, then the trustees shall consider the petition, and shall also hear any legal voters living in the district or districts that will be affected by the change if made, who may appear before them to oppose the petition, and they shall grant or refuse the prayer of the petitioners without unreasonable delay. After the trustees shall consider the petition, no objection shall be thereafter raised as to its form, and their action shall be *prima facie* evidence that all the formal requirements have been complied with.

§ 54. The petitioners or the legal voters who have appeared before the trustees at the meeting when the petition was considered, and opposed the same, shall have the right of appeal to the county superintendent of schools: *Provided*, that the party appealing files with the clerk of the trustees a written notice of appeal within ten days after the final action upon the petition by the trustees, which notice may be in the following form, to-wit:

To the trustees of schools, township No....., range No....., of ..... county, Illinois.

You are hereby notified that the undersigned will appeal from your decision, made on the ..... day of ....., A. D. ...., granting, (or refusing) the prayer of the petition in regard to (here give substance of the petition concerned) to the county superintendent of schools of ..... county, Illinois, as provided by law.

Signed.....

§ 55. When an appeal is taken from the action of the trustees to the county superintendent, the clerk of the trustees shall, within five days after the written notice of the appeal has been filed with him by the appellants, transmit all the papers in the case, with a transcript of the records of the trustees, showing their action thereon to the county superintendent; and in case of an appeal, the township treasurer shall be required to take no further action in the matter, except upon the order of the county superintendent, whose duty it shall be to investigate the case upon such appeal; and if, in his opinion, the change asked is for the best interests of the district or districts concerned, he shall make such change or changes; but if he considers the proposed change inadvisable, he shall refuse to make it, shall

reverse, if need be, the action of the trustees, and shall give the clerk from whom he received the papers immediate notice of his decision, and his action shall be final and binding. If the changes asked for by the petitioners shall be made by the county superintendent, he shall notify in writing the clerk by whom the papers in the case were transmitted to him, of his action, and the clerk shall thereupon make a record of the same and shall, within ten days thereafter, make a copy of the same and a map of the township, showing the districts and an accurate list of the taxpayers of the newly arranged districts, and deliver them to the county clerk for filing and record by him, the same as if the changes had been ordered by the trustees.

§ 56. In all cases where the territory affected by a proposed change of district boundaries is divided by a county line or lines, the appeal may be taken to the county superintendent of schools of any one of the counties in which said territory is partly located, and upon any appeal being taken in any such case, the county superintendent of schools, to whom such appeal is taken shall, forthwith, give notice to the county superintendent or superintendents of schools of the other county or counties of the pendency of such appeal, and of the time and place, when and where it will be heard, and the county superintendents of schools, of the counties in which the said territory is located, shall meet together at such time and place and together hear and determine said appeal. In case the said county superintendents shall be unable to arrive at an agreement, then the county judge of the county where such appeal is pending, shall be called and shall constitute one of the board of appeal, and thereupon the appeal shall be heard and determined by them. And the county superintendent of schools to whom such appeal is taken, shall at once notify, in writing, the clerk by whom the papers in the case were transmitted to him, of the action taken on such appeal as hereinafter provided.

§ 57. Whenever change in boundaries is made by the trustees of schools, if no appeal is taken to the county superintendent, the clerk of the trustees shall make a complete copy of the record of the action of the trustees, which copy shall be certified by the president of the trustees and the clerk who shall file the same, together with a map of the township, showing the districts and an accurate list of the taxpayers of the newly arranged districts, with the county clerk for record within twenty days of the action of the trustees.

§ 58. In case any territory shall be set off from any district that has a bonded debt, the change not being petitioned for by a majority of the legal voters of said district, such original district shall remain liable for the payment of such bonded debt, as if not divided. The directors of the original district having

such bonded debt and of the district into which the territory taken from such original district has been incorporated or formed, shall constitute a joint board for the purpose of determining and certifying, and they shall determine and certify to the county clerk the amount of tax required yearly for the purpose of paying the interest and principal of such bonded debt, which tax shall be extended by the county clerk against all property embraced within such original district, as if it had not been divided.

§ 59. When the trustees of schools shall organize a new district as hereinbefore provided for, it shall be the duty of the clerk of the board of trustees, if no appeal is taken to the county superintendent, to order, within fifteen days after the action of the trustees, an election to be held at some convenient time and place, within the boundaries of such newly organized district, for the election of three school directors, notice being given by the township treasurer, who shall post up at least three notices of such election in at least three prominent places in said district, at least ten days prior to the time appointed for holding such election. which notices shall specify the time and place where such election is to be held, the time for opening and closing the polls, and the object of said election, which notice may be in the following form, to-wit:

#### Election Notice.

Public notice is hereby given that on the.....day of....., A. D. ...., an election will be held at....., for the purpose of electing three school directors for the new district known as district No....., in township No....., range No....., of the .....P. M. in.....county, Illinois.

The polls at said election will be opened at.....o'clock.....M, and close at.....o'clock.....M. By order of the board of trustees of said township.

Signed.....

Township treasurer.

§ 60. At the time appointed for opening the polls for said election, it shall be the duty of the legal voters present, five of whom shall constitute a quorum, to appoint three of their number, two of whom shall act as judges, and one as clerk of said election, and the election in all other respects shall be conducted as other elections for the election of school directors.

§ 61. Within ten days after the election, it shall be the duty of the directors elected at such election, to meet at some convenient time and place previously agreed upon by said directors, and organize as a district board, by appointing one of their number president, and another of their number clerk of said board, as in other cases of the election of school directors. At



this first meeting of the directors they shall draw lots for their respective terms of office for one, two and three years, each of which shall be considered a fractional term, ending at each annual meeting according to the term drawn.

§ 62. In case a new district is organized by the action of the county superintendent, the said clerk of the board of trustees shall, within five days after he has received notice of the action of the county superintendent on the appeal, order an election of directors in the new district, the same as if the change had been made by the board of trustees, and such election shall be held in the same manner as the election provided for where the trustees have formed such new district.

§ 63. Whenever a new district has been formed by the trustees, or by the county superintendent, or county superintendents, from a part of a district or from parts of two or more districts, the trustees of the township or townships concerned shall proceed forthwith to make a distribution of tax funds, or other funds which are in the hands of the treasurer, or to which the district may, at the time of such division, be entitled, so that both the old and new districts shall receive parts of such funds in proportion to the amount of taxes collected, next preceeding such division from the taxable property in the territory composing the several districts. If the new district be composed of parts of two or more districts, the trustees shall make distribution of said funds between the new district and the old districts, respectively, so that the new district shall receive a distribution of the funds of each of the old districts, in the proportion which the amount of taxes collected from the property in the territory of the new district bears to the whole taxes collected, next before the division, in the old district; and the town treasurer shall forthwith place the sum so distributed to the credit of the respective districts, and shall immediately place the proportion of the funds to which said new district may be entitled to its credit on his books, and the funds on hand shall be subject at once to the order of the directors of the new district, and those not on hand as soon as collected.

§ 64. The trustees of the township or townships concerned shall, at the time of the creation of a new district, or within the period of thirty days thereafter, proceed to the appointment of three appraisers, who shall not be citizens of the township or townships interested. It shall be the duty of said appraisers, within thirty days after their appointment, to appraise the school property, both real and personal, of the district or districts interested, at their fair cash value. Within thirty days after such appraisement, the trustee or trustees of the township or townships concerned shall proceed to charge the property to the district in which it may be found, and to credit the other district

interested therein with its proportion of such valuation: *Provided*, that the *bona fide* debts, if any, of the old district, shall first be deducted and the balance charged and credited as aforesaid; and the trustees shall direct the treasurer to place to the credit of the district not retaining said property, its proportion of the value of said property, and of the funds then on hand, or subsequently to accrue, belonging to such district to which such property is charged.

§ 65. If the trustees shall fail to observe the provisions of sections 63 and 64, in reference to distribution of funds and property, they shall be individually and jointly liable to the district interested, in an action on the case, to the full amount of the damages sustained by the district aggrieved. Where trustees have heretofore failed to make distribution of property to districts, as provided in said sections 63 and 64 of this article, the district interested in the making of such distribution may, by its directors, request the trustees, in writing, to proceed to make such distribution; and said trustees shall proceed to make such distribution in the manner prescribed, and shall be liable, as herein stated, for a neglect or failure so to do.

§ 66. The clerk of any board of trustees who shall fail, neglect or refuse to perform the duties imposed upon him by this article of this act, or any of them, within the time and in the manner prescribed, shall for each offense forfeit not less than ten (10) nor more than twenty-five (25) dollars of his pay as clerk of the board of trustees, and township treasurer, which forfeiture shall be enforced by the trustees.

§ 67. If any school district shall, for two consecutive years, fail to maintain a public school, as required by law to do, it shall be the duty of the trustees of schools of the township, or townships, in which such district lies, to attach the territory of such district to one or more adjoining school districts; and in case said territory is added to two or more districts, to divide the property of said district between the districts to which its territory is added, in the manner hereinbefore provided for the division of property in case a new district is organized from a part of another district, and the action of the trustees in such a case shall be final and binding. And the clerk of the trustees in such case shall file a copy of the record of the same, together with the map and list of taxpayers with the county clerk as in other cases of change of district boundaries.

§ 68. The majority of legal voters of a district lying in two or more townships may secure the dissolution of said district by petitioning the several boards of trustees of said townships, at their regular meeting in April, that each will add the territory belonging to said district, in its township, to one or more adjacent districts. Upon receipt of such petition, or the returns of the election, in districts containing one thousand or more

inhabitants, the several boards of trustees shall each make such disposition of the territory of said district as lies in its township, and they shall jointly make such division of property of said district, between the districts to which its territory is attached, as is hereinbefore provided in the case of the organization of a new district from a part of another district. The action of the trustees, in accordance with such petition or election, shall be final and binding, and the clerks of the several boards of trustees, in such case, shall file a copy of the record of the same, together with the map and lists of taxpayers with the county clerk, as in other cases of change of district boundaries.

§ 69. The trustees of schools, elected as provided for in this article, shall be the successors to the trustees of school lands, appointed by the county commissioners' court, and of trustees of schools elected in townships under the provisions of "An act making provisions for organizing and maintaining common schools," approved February 26, 1841, and "An act to establish and maintain common schools," approved March, 1, 1847, and "An act to establish and maintain a system of free schools," approved April 1, 1872. All rights of property, and rights and causes of action, existing or vested in the trustees of school lands, or the trustees of schools appointed or elected as aforesaid, for the use of the inhabitants of the township, or any part of them, shall vest in the trustees of schools, as successors, in as full and complete a manner as was vested in the trustees of school lands, or the trustees of schools appointed and elected as aforesaid.

## ARTICLE IV.

### TOWNSHIP TREASURER.

SECTION 1. The township treasurer appointed by the board of trustees of schools shall, before entering upon his duties, execute a bond with two or more freeholders, who shall not be members of the board, as securities, payable to the board of trustees of the township for which he is appointed treasurer, with a sufficient penalty to cover all liabilities which may be incurred, conditioned faithfully to perform all the duties of township treasurer in township No....., range No....., in..... county according to law; which bond shall be approved by at least a majority of the board, and shall be delivered by one of the trustees to the county superintendent of the proper county. And in all cases where such treasurer aforesaid is to have the custody of all bonds, mortgages, moneys and effects denominated

principal, and belonging to the township for which he is appointed treasurer, the penalty of said treasurer's bond shall be twice the amount of all bonds, notes, mortgages, moneys and effects; and shall provide for the faithful accounting for, and turning over, of all such bonds, notes, mortgages, moneys and effects, as shall come into his hands while he may act as such treasurer, under such appointment, to his successor, when appointed and qualified, as herein provided, by giving bond. The penalty of said bond shall be increased from time to time, as the increase of the amount of notes, bonds, mortgages and effects may require, and whenever in the judgment of the trustees or county superintendent the security is insufficient. Any and every township treasurer appointed, subsequent to the first, as herein provided, shall execute bond with security, as is required of the first treasurer.

The bond required in this section shall be in the following form, viz.:

State of Illinois,                    }  
..... county,                    } ss.

Know all men by these presents that we, A. B., C. D. and E. F., are held, and firmly bond, jointly and severally, unto the board of trustees of township ....., range ....., in said county, in the penal sum of ..... dollars, for the payment of which we bind ourselves, our heirs, executors and administrators firmly by these presents.

In witness whereof, we have hereunto set our hands and seals this ..... day of ....., A. D., 18..... The condition of the above obligation is such, that if the above bounden A. B., township treasurer of township ....., range ....., in the county aforesaid, shall faithfully discharge the duties of said office, according to the laws which now are, or may hereafter be in force, and shall deliver to his successor in office, after such successor shall have fully qualified, by giving bond, as provided by law, all moneys, books, papers, securities and property, which shall come into his hands or control, as such township treasurer, from the date of this bond up to the time that his successor shall have duly qualified as township treasurer, by giving such bond as shall be required by law, then this obligation to be void; otherwise to remain in full force and virtue.

Approved and accepted by

G. H.	} Trustees.	A. B. (Seal)
J. J.		C. D. (Seal)
K. L.		E. F. (Seal)

§ 2. Every township treasurer shall provide himself with two well bound books, the one to be called a cash book, the other a loan book. He shall charge himself in the cash book with all moneys received, stating the charge, when, from whom, and on what account received; and credit himself with all moneys paid or loaned, stating the amount loaned, the date of the loan, the rate of interest, the time when payable, the name of the securities, or, if real estate to be taken, a description of the same.

He shall also enter, in separate accounts, moneys received and moneys paid out, charging the first to debit account, and crediting the latter as follows, to-wit:

First—The principal of the township fund, when paid in and when paid out.

Second—The interest of the township fund, when received, and when paid out.

Third—The common school fund and other funds, when received from the county superintendent, and when paid out.

Fourth—The taxes received from the county or town collector, for what district received, and when, and for what purpose paid out.

Fifth—Donations received.

Sixth—Moneys coming from all other sources; and in all cases entering the date when received, and when paid out. And he shall also arrange and keep his books and accounts in such other manner as may be directed by the state or county superintendent, or the board of trustees. He shall also provide a book, to be called a journal, in which he shall record, fully and at length, the acts and proceedings of the board, their orders, by-laws and resolutions. And he shall also provide a book, to be called a record, in which he shall enter a brief description of all notes or bonds belonging to the township, and upon the opposite page he shall note down when paid, or any remarks to show where or in what condition it is, as in the following form, viz:

Maker's name. Date of note. When due. Amount. Remarks.

				January 6,
				18..., handed
A. B.,				to I. J. for
C. D.,	Jan. 1, 18...,	Jan. 1, 18...,	\$90.00	collection,
E. F.,				(or January
				6, 18..., paid.)

All the books and accounts of the treasurer shall at all times be subject to the inspection of the trustees, directors or other person authorized by this act, or by any committee appointed by the voters of the township, at the annual election of trustees, to examine the same.

§ 3. Township treasurers shall loan, upon the following conditions all moneys which shall come to their hands by virtue of their office, except such as may be subject to distribution. The rate of interest shall not be less than six (6) per cent. nor more than eight (8) per cent. per annum, payable annually, the rate of interest to be determined by a majority of the township trustees at any regular or special meeting of their board. No loans shall be made for less than six (6) months, nor more than (5) years. For all sums not exceeding two hundred dollars (\$200) loaned for not more than one year, two (2) responsible sureties shall be given; for all sums over two hundred dollars (\$200), and for all loans for more than one (1) year, security shall be given by mortgage on real estate unincumbered, in value forty per cent. more than the amount loaned with a condition that in case additional security shall be at any time required, the same shall be given to the satisfaction of the board of trustees for the time being: *Provided*, that nothing herein shall prevent the loaning of township funds to boards of school directors, taking bonds therefor, as provided in section 1, article 9, of this act.

§ 4. Notes, bonds, mortgages and other securities taken for money or other property due, or to become due to the board of trustees for the township, shall be payable to the said board by their corporate name; and in such name, suits, actions and complaints, and every description of legal proceedings may be had for the recovery of money, the breach of contracts and for every legal liability which may at any time arise or exist, or upon which a right of action shall accrue to the use of such corporation: *Provided*, however, that notes, bonds, mortgages and other securities in which the name of the county superintendent, or of the trustees of schools are inserted, shall be valid to all intents and purposes, and suit shall be brought in the name of the board of trustees as aforesaid. The wife of the mortgagor, if he is married, shall join in the mortgage given to secure the payment of money loaned by virtue of the provisions of this act.

§ 5. Whenever there is a surplus of funds in the treasurer's hands belonging to any school district, the treasurer may loan the same for the use and benefit of such district, upon the written request of the directors of said district and not otherwise; and all such loans shall be on the same conditions as are prescribed in this article for the loaning of township funds.

§ 6. The township treasurer shall on or before the 30th day of June annually, prepare and deliver to the county superintendent of his county, a statement, verified by his affidavit, showing the exact condition of the township funds. Said statement shall contain a description of the securities, bonds, mortgages and notes belonging to the township, giving names of

securities, dates, amounts of loans, rate of interest, when due and all data by which a full understanding of the condition of the funds may be obtained. The county superintendent shall preserve such statement for the use of the township.

§ 7. Mortgages to secure the payment of money loaned under the provisions of this act, may be in the following form, viz.:

I. A. B., of the county of.....and state of.....do hereby grant, convey and transfer to the trustees of schools of township ....., range ....., in the county of.....and state of Illinois, for the use of the inhabitants of said township, the following described real estate, to-wit: (Here insert premises.) which real estate I declare to be in mortgage for the payment of.....dollars loaned to me, and for the payment of all interest that may accrue thereon to be computed at the rate of..... per cent. per annum until paid. And I do hereby covenant to pay the said sum of money in.....years from the date hereof, and to pay the interest on the same annually, at the rate aforesaid. I further covenant, that I have a good and valid title to said estate, and that the same is free from all incumbrance, and that I will pay all taxes and assessments which may be levied on said estate; and that I will give any additional security that may at any time be required in writing by said board of trustees, and if said estate be sold to pay said debt, or any part thereof, or for any failure or refusal to comply with or perform the conditions or covenants herein contained, I will deliver immediate possession of the premises. And it is further agreed by and between the parties, in case a bill is filed in any court to foreclose this mortgage for non-payment of either principal or interest, that the mortgagor will pay a reasonable solicitor's fee and the same shall be included in the decree and be taxed as costs; and we, A. B. and C., wife of A. B., hereby release all right to the said premises which we may have by virtue of any homestead laws of this State, and in consideration of the premises, C., wife of A. B., doth hereby release to said board all her right and title of dower in the afore-granted premises for the purpose aforesaid.

In testimony whereof we have hereto set our hands and seals this.....day.....18.....

A. B. (Seal.)

C. B. (Seal.)

Which mortgage shall be acknowledged and recorded as is required by law for other conveyances of real estate, the mortgagor paying expenses of acknowledgment and recording. On payment of any school mortgage in full, it shall be the duty of the trustees of schools to give a deed of release of such mortgage, or to enter satisfaction thereof upon the record, such deed of release or satisfaction to be executed by the township treasurer.

§ 8. Upon the breach of any condition or stipulation contained in said mortgage, an action may be maintained and damages recovered as upon other covenants; but mortgages made in any other form to secure payment, as aforesaid, shall be valid as if no form had been prescribed. In estimating the value of real estate mortgaged to secure the payment of money loaned under the provisions of this law, the value of improvements liable to be destroyed may be included, but in any such case said improvements shall be insured for the insurable value thereof in some safe and responsible insurance company or companies, and the policy or policies of insurance shall be transferable to the board of trustees as additionable security for any loan, and shall be kept so insured until the loan is paid.

§ 9. In all cases where the board of trustees shall require additional security for the payment of money loaned, and such security shall not be given, the township treasurer shall cause suit to be instituted for the recovery of the same, and all interest thereon to the date of judgment: *Provided*, that proof be made of the said requisition.

§ 10. In the payment of debts by executors and administrators, those due the common school or township fund shall have a preference over all other debts, except funeral expenses, the widow's award, and the expenses attending the last sickness, not including the physician's bill. And it shall be the duty of the township treasurer to attend at the office of the probate judge, upon the proper day, as other creditors, and have any debts as aforesaid, probated and classed, to be paid as aforesaid.

§ 11. If default be made in the payment of interest due upon money loaned by any county superintendent or township treasurer, or in the payment of the principal, interest at the rate of twelve per cent. per annum shall be charged upon the principal, and interest from the day of default, which interest shall be included in the assessment of damages, or in the judgment in the suit, or action brought upon the obligation to enforce payment thereof, and interest as aforesaid may be recovered in an action brought to recover interest only. The said township treasurer is hereby empowered to bring appropriate actions in the name of the board of trustees, for the recovery of the yearly interest, when due and unpaid, without suing for the principal, in whatever form secured, and justices of the peace shall have jurisdiction of such cases of all sums not exceeding two hundred dollars.

§ 12. All suits brought, or actions instituted, under the provisions of this act, may be brought in the name of the trustees of schools, of township No....., range No....., except as provided for *qui tam* actions, or actions in favor of county superintendents.



§ 13. The said township treasurer shall demand, receive and safely keep, according to law, all moneys, books and papers of every description belonging to his township. He shall keep the township funds loaned at interest; and if on the first Monday in October in any year, there shall be any interest or other funds on hand which shall not be required for distribution, such amount not required as aforesaid, may, if the board of trustees see proper, forever be considered as principal in the funds to which it belongs, and loaned as such.

§ 14. On the first Mondays in April and October of every year, the township treasurer shall lay before the board of trustees a statement showing the amount of interest, rents, issues and profits that have accrued or become due since their last regular half yearly meeting, on the township lands, and township funds, and also the amount of state and county fund interest on hand. He shall also lay before the said trustees, all books, notes, bonds, mortgages, and all other evidences of indebtedness belonging to the township for the examination of the trustees, and shall make such other statement as the board may require, touching the duties of his office.

§ 15. The said township treasurer shall make out annually, and present to the board of trustees at their meeting succeeding the annual election, a complete exhibit of the fiscal affairs of the township, and of the several districts or parts of districts in the township, showing the receipts of money, and the sources from which they have been derived, and the deficit and delinquencies, if there be any, and the cause, as well as a classified statement of moneys paid out, and the amount of obligations remaining unpaid.

§ 16. The township treasurer shall within two days after the first Monday of April, and on July fifteenth in each year, make out for each district or part of district in the township, a statement or exhibit of the exact condition of the account of such district or part of district, as shown by his books on April first and June thirtieth of each year, which statement or exhibit shall show the balance at the time of making the last exhibit, and the amount received since, up to the time of making the exhibit, and when and from what source received; and it shall also show the amount paid out during the same time, to whom paid, and for what purpose, and shall be balanced and the balance shown. It shall be the duty of said treasurer to comply with any lawful demand the said trustees may make as to the verification of any balance reported by said treasurer to be on hand. The exhibit shall be subscribed and sworn to by the treasurer before any officer authorized to administer an oath, and shall then, by the treasurer, be, without delay, delivered, or transmitted by mail, to the clerk of the board of directors of the proper district. It shall be the duty of the said clerk,

upon receiving such exhibit, to enter the same upon the records of the district, and at the next annual election of directors thereafter, to cause a copy thereof to be posted up at the front door of the building where such election is held.

§ 17. For a failure on the part of the treasurer, clerk of any board of directors, or any director, to comply with any of the requirements of the preceding sections of this article, he shall be liable to a penalty of not less than five dollars nor more than fifty dollars, to be recovered before any justice of the peace of the county in which the offense is committed.

§ 18. When any order drawn for the payment of a teacher is presented to the township treasurer for payment, and is not paid for want of funds, the said treasurer shall make a written statement over his signature by an endorsement on such order, with date, showing such presentation and non-payment, and shall make and keep a record of such endorsement. Such order shall thereafter draw interest at the rate of eight per cent. per annum until paid, or until the treasurer shall, in writing, notify the clerk of the board of directors that he has funds to pay such order, and of said notice the said treasurer shall make and keep a record; after giving said notice he shall hold the funds necessary to pay such order until it is presented for payment, and such orders shall draw no interest after the giving of said notice to said clerk of the board.

§ 19. In addition to the foregoing requirements, it shall be the duty of the said township treasurer:

First—To return to the county clerk of his county, on or before the second Monday of August in each year, the certificate of tax levy made by each board of school directors in his township.

Second—to pay, whenever he has funds in his hands belonging to the district, all lawful orders drawn on him by the board of directors of any school district in his township.

Third—To collect from the collector of taxes of the township and the county collector of taxes, the full amount of the tax levies made by the several boards of directors in his township.

Fourth—To examine the official record of each school district in the township on the first Mondays in April and October of each year.

Fifth—To keep a correct account between the districts where pupils are transferred by the directors from one district to another.

Sixth—To give, upon the order of the trustees of schools, notice of the election of trustees, as required by law.

Seventh—To give, in case of the formation of a new school district, notice of the election of a board of school directors.

Eighth—To cause to be published, in some newspaper published in his county, an annual statement of the finances of the township, as required by law.

Ninth—To make, whenever a change has been made in the boundaries of a school district, a complete copy of the records of the trustees, a map of the township showing such change of boundaries, and an accurate list of the taxpayers in the newly arranged districts, and file the same with the county clerk within twenty days of the time such change was made.

Tenth—To file and safely keep all poll-books and returns of elections which may be delivered to him under any provision of this act.

Eleventh—To receive and safely keep all moneys, securities, papers and effects belonging to the township or the school districts, which, by law, are required to be deposited with such treasurer.

§ 20. For any failure or refusal to perform all the duties required of the township treasurer by law, he shall be liable to the board of trustees, upon his official bond, for all damages sustained, to be recovered by action of debt by said board in their corporate name, for the use of the proper township, before any court having jurisdiction of the amount of damages claimed; but if such treasurer, in any such failure or refusal, acted under and in conformity to a requisition or order of said board, or a majority of them, entered upon their journal and subscribed by their president and clerk, then and in that case, the members of the board aforesaid, or those of them voting for such requisition or order aforesaid, and not the treasurer, shall be liable, jointly and severally, to the inhabitants of the township for such damages, to be recovered by an action of assumpsit, in the official name of the county superintendents of schools, for the use of the proper townships: *Provided*, that said township treasurer shall be liable for any part of the judgment obtained against said trustees which cannot be collected on account of the insolvency of such trustees.

§ 21. Whenever a township treasurer shall resign or be removed, and at the expiration of his term of office, he shall pay over to his successor in office all money on hand. and deliver over all books, notes, bonds, mortgages, and all other securities for money, and all papers and documents of every description, in which the corporation has any lawful interest whatever. And in case of the death of the township treasurer, his securities and legal representatives shall be bound to comply with the requisitions of this section, so far as the said securities and legal representatives may have the power so to do. And for a failure to comply with the requisitions of this section, the persons neglecting or refusing, shall be liable to a

penalty of not less than ten (10) dollars, nor more than one hundred (100) dollars, at the discretion of the court before which judgment may be obtained, to be recovered in an action of debt in the name of the trustees of schools, before any justice of the peace, for the benefit of the school fund of such township: *Provided*, that the obtaining or payment of such judgement shall in no wise discharge or diminish the obligation of the persons signing the official bond of such township treasurer.

§ 22. The township treasurers shall receive in full for all services rendered by them a compensation to be fixed prior to their election by the board of trustees.

## ARTICLE V.

### BOARD OF DIRECTORS.

SECTION 1. In all school districts having a population of less than two [one] thousand inhabitants and not governed by any special act in relation to free schools now in force, there shall be elected in the manner hereinafter provided for, a board of directors to consist of three members.

§ 2. The directors of each district are hereby declared a body, politic and corporate, by the name of "school directors of district No. ...., township No. ...., range ...., county of ...., and state of Illinois," and by that name may sue and be sued in all courts and places whatever.

§ 3. Any person, male or female, married or single, of the age of twenty-one years and upwards, who is a resident of the school district, and who is able to read and write in the English language, shall be eligible to the office of school director: *Provided*, that no person shall be eligible to the office of school director who is at the time a member of the board of school trustees.

§ 4. If any director shall, during the term of his office, remove from the district in which he was elected, his office shall thereby become vacant and a new director shall be elected, as in other cases of vacancy in office.

§ 5. The annual election of school directors shall be on the third Saturday of April, when one director shall be elected in each district, who shall hold his office for three years, and until his successor is elected.

§ 6. In new districts the first election of directors may be on any Saturday, notice being given by the township treasurer, as

for the election of trustees, when three directors shall be elected, who shall, at their first meeting, draw lots for their respective terms of office, for one, two, and three years.

§ 7. When vacancies occur, the remaining director or directors, shall, without delay, order an election to fill such vacancies, which election shall be held on Saturday.

§ 8. Notices of all elections in organized districts shall be given by the directors at least ten days previous to the day of said election. Said notices shall be posted in at least three of the most public places in the district, and shall specify the place where such election is to be held, the time of opening and closing of the polls, and the question or questions to be voted on.

§ 9. Should the directors fail or refuse to order any regular or special election, as aforesaid, it shall be the duty of the township treasurer to order such election, and if the township treasurer fails to do so, then it shall be the duty of the county superintendent to order such election of directors within ten days, in each case, of such failure or refusal, and the election held in pursuance of such order shall be valid, the same as if ordered by the directors.

§ 10. Two of the directors ordering such election shall act as judges and one as clerk of such election. But if said directors or any of them shall fail to order an election, to attend, or shall refuse to act when present, and in all unorganized districts, and in elections to fill vacancies, the legal voters when assembled, shall choose such additional members as may be necessary to act as two judges and a clerk of said election: *Provided*, that if upon the day appointed for said election the said directors or judges shall be of opinion that, on account of the small attendance of voters, the public good requires it, or if the voters present, or a majority of them, shall desire it, they shall postpone said election until the next Saturday, at the same place and hour, when the voters shall proceed as if it were not an adjourned meeting: *And, provided*, also that if notice shall not have been given as above required, then said election shall be ordered as aforesaid, and holden on any Saturday, notice thereof being given as aforesaid.

§ 11. In case of a tie vote, the judges shall decide it by lot on the day of the election.

§ 12. Within ten days after every election of directors the judges shall cause the poll book to be delivered to the township treasurer with a certificate thereon, showing the election of said directors and the names of the persons elected; which poll book shall be filed by the township treasurer, and shall be evidence of said election.

§ 13. In case of a union district, made up of parts of two or more townships, the poll book shall be returned to the township treasurer who receives the tax money for said district.

§ 14. For a failure to deliver the poll book within the time prescribed, the judges shall be liable to a penalty of not less than twenty-five (25) dollars nor more than one hundred (100) dollars, to be recovered in the name of the People of the State of Illinois, by action of assumpsit, before any justice of the peace of the county, which penalty, when recovered shall be added to the township school fund of the township.

§ 15. The directors within ten days after the annual election of the directors shall meet and organize by appointing one of their number president, and another of their number clerk of such board of directors.

§ 16. Two directors shall be a quorum for business.

§ 17. The clerk of such board of directors shall keep a record of all the official acts of the board in a well bound book provided for that purpose, which record shall be signed by the president and clerk, and shall be submitted to the township treasurer for his inspection and approval on the first Mondays of April and October, and at such other times as the township treasurer may require.

§ 18. The board of directors shall hold regular meetings at such times as they may designate; and they may hold special meetings as occasion may require, at the call of the president or any two members.

§ 19. No official business shall be transacted by the board except at a regular or special meeting.

§ 20. If the president or clerk be absent from any meeting, or being present, refuses to perform his official duties, a president or clerk *pro tempore* shall be appointed.

§ 21. The clerk of each board of school directors shall report to the township treasurer or treasurers of the proper township or townships immediately after the organization of the board, the names of the president and clerk of such board.

§ 22. On or before the seventh day of July, annually, the clerk of each board of directors shall report to the township treasurer having the custody of the funds of such district, such statistics and other information in relation to the schools of his respective district as the township treasurer is required to embody in his report to the county superintendent, and the particular statistics to be so reported shall be determined and designated by the State Superintendent of Public Instruction, or by the county superintendent.

§ 23. No director shall be interested in any contract made by the board of which he is a member.

§ 24. No director shall be interested in the sale, proceeds or profits of any book, apparatus or furniture, used, or to be used, in any school in this State, with which he may be connected.

§ 25. Any person offending against the provisions of the two preceding sections shall be liable to indictment, and upon conviction, shall be fined in any sum not less than twenty-five (25) dollars, and not more than five hundred (500) dollars, and may be imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court.

§ 26. It shall be the duty of the board of directors of each district:

First—At the annual election of directors, to make a detailed report of their receipts and expenditures to the voters there present, and transmit a copy of such report to the township treasurer, within five days from the time of said election.

Second—To report to the county superintendent, within ten days after their employment, the full names of all persons employed as teachers, the date of the beginning and the end of their contract.

Third—To provide for the necessary revenue to maintain free schools in their district, in the manner provided for in article 8 of this act.

Fourth—When a district is composed of parts of two or more townships, the directors shall determine and inform the collectors of said townships, and the collector or collectors of the county or counties in which said townships lie, in writing, under their hands as directors, which of the treasurers of the townships from which their district is formed, shall demand and receive the tax money collected by the said collector, as aforesaid.

Fifth—To establish and keep in operation, for at least one hundred and ten (110) days of actual teaching, in each year, without reduction by reason of closing schools on legal holidays, or for any other cause, and longer if practicable, a sufficient number of free schools for the accommodation of all children in the district, over the age of six (6) and under twenty-one (21) years, and shall secure for all such children the right and opportunity to an equal education in such free schools.

Sixth—To adopt and enforce all necessary rules and regulations for the management and government of the schools.

Seventh—To visit and inspect the schools from time to time as the good of the schools may require.

Eighth—To appoint all teachers and fix the amount of their salaries.

Ninth—The directors shall direct what branches of study shall be taught and what text books and apparatus shall be used

in the several schools, and strictly enforce uniformity of text books therein, but shall not permit text books to be changed oftener than once in four years, but shall prohibit such change.

Tenth—The directors shall have power to purchase, at the expense of the district, a sufficient number of the text books used, to supply children whose parents are not able to buy them. The text books bought for such purpose shall be loaned only, and the directors shall require the teacher to see that they are properly cared for and returned at the end of each term of school.

Eleventh—The directors shall on or before the seventh day of July, annually, deliver to the township treasurer, all teachers' schedules made and certified as required by the provisions of article 7 of this act, covering all time taught during the school year, ending June 30, and the directors shall be personally liable to the district for any loss sustained by it, through the failure of the directors to examine and so deliver such schedules within the time fixed by law.

Twelfth—The directors shall not pay out any public money to any teacher unless such teacher shall at the time of his or her employment, hold a certificate of qualification, obtained under the provisions of this act, covering the entire period of his or her employment.

Thirteenth—The directors shall not pay any public funds to any teacher, unless such teacher shall have kept and furnished schedules as required by this act, and shall have satisfactorily accounted for books, apparatus and other property of the district that he may have taken in charge.

Fourteenth—The directors shall pay teachers' wages monthly. Upon the receipt of schedules, properly certified, the directors shall at once make out and deliver to the teacher an order upon the township treasurer for the amount named in the schedule; which order shall state the rate at which the teacher is paid according to his contract, the limits of time for which the order pays, and that the directors have duly certified a schedule covering this time. But it shall not be lawful for the directors to draw an order until they have duly certified to the schedule; nor shall it be lawful for the directors after the date of filing schedules as fixed by law, to certify any schedule not delivered to them before that date by the teacher, when such schedule is for time taught before the first of July preceding, nor to give an order in payment of the teachers' wages for the time covered by such delinquent schedule.

Fifteenth—At the annual election of directors, the directors shall cause a copy of the township treasurer's report of the financial condition of the district, provided by law, to be posted upon the front door of the building where such annual election is held.



§ 27. The board of school directors shall be clothed with the following additional powers:

First—To use any funds belonging to their district, and not otherwise appropriated, for the purchase of a suitable book for their records. And the said records shall be kept in a punctual, orderly and reliable manner.

Second—Said directors may, where they deem the amount of labor done sufficient to justify it, allow the clerk of such board of directors, out of any funds not otherwise appropriated, compensation for duties actually performed.

Third—They shall have power to dismiss a teacher for incompetency, cruelty, negligence, immorality or other sufficient cause.

Fourth—They shall have power to assign pupils to the several schools in the district, to admit non-residents, when it can be done without prejudice to the rights of resident pupils, to fix rates of tuition, collect and pay the same to the township treasurer, for the use of said districts.

Fifth—They may suspend or expel pupils who may be guilty of gross disobedience or misconduct, and no action shall lie against them for such expulsion or suspension.

Sixth—They may provide that children under twelve (12) years of age shall not be confined in school more than four hours daily.

Seventh—They may appropriate for the purchase of libraries and apparatus, any school funds remaining after all necessary school expenses are paid.

Eighth—When any school district owns any personal property not needed for school purposes, the directors of such district may sell such property at public or private sale, as in their judgment will be for the best interests of the district, and the proceeds of such sale shall be paid over to the treasurer of such district, for the benefit of said school district.

Ninth—They may grant special holidays whenever in their judgment such action is advisable: *Provided*, no teacher shall be required to make up the time lost by the granting of such holidays.

Tenth—They shall have the control and supervision of all school houses in their district, and may grant the temporary use of school houses when not occupied by schools, for religious meetings and Sunday schools, for evening schools and library societies, and for such other meetings as the directors may deem proper.

Eleventh—They shall have power to decide when the school house site, or the school buildings have become unnecessary, or unsuitable, or inconvenient for a school.

Twelfth—They may borrow money and issue bonds therefor for building school houses, purchasing sites, repairing and improving school houses, in the way and manner provided for by article 9 of this act.

§ 28. The school directors shall draw no order or warrant payable on demand, upon the township treasurer, or against any fund in his hands, unless at the time of drawing such order or warrant there are sufficient funds in his hands to pay the amount of the same: *Provided*, this section shall not apply to orders issued to teachers for their wages.

§ 29. Whenever there is no money in the treasury of any school district to meet and defray the ordinary and necessary expenses thereof, it shall be lawful for the board of directors to provide that orders or warrants may be drawn and issued against and in anticipation of the collection of any taxes already levied by said directors for the payment of the ordinary and necessary expenses of any such district, to the extent of seventy-five per centum of the total amount of said tax levy: *Provided*, that warrants drawn and issued under the provisions of this section shall show upon their face that they are payable solely from said taxes when collected, and not otherwise, and such warrants shall be received by any collector of taxes in payment of the taxes against which they are issued, and which taxes against which said warrants or orders are drawn, shall be set apart and held for their payment.

§ 30. The school directors shall be liable as directors for the balance due teachers, and for all debts legally contracted.

§ 31. It shall not be lawful for a board of directors to purchase or locate a school house site, or to purchase, build or move a school house, or to levy a tax to extend schools beyond nine months, without a vote of the people at an election called and conducted as required by section 4 of article 9 of this act. A majority of the votes cast shall be necessary to authorize the directors to act: *Provided*, that if no one locality shall receive a majority of all the votes cast at such election, the directors may, if in their judgment the public interest requires it, proceed to select a suitable school house site; and the site so chosen by them shall in such case, be legal and valid, the same as if it had been determined by a majority of the votes cast; and the site so selected by either of the methods above provided shall be the school house site for such district; and said district shall have the right to take the same for the purpose of a school house site either with or without the owner's consent by condemnation or otherwise.

§ 32. In case the compensation to be paid for the school house site mentioned in the preceding section can not for any reason be agreed upon or determined between the school

directors and the parties interested in the land taken for such site, then it shall be the duty of the directors of such district to proceed to have such compensation determined in the manner which may be at the time provided by law for the exercise of the right of eminent domain: *Provided*, that no tract of land lying outside of the limits of any incorporated city or village, and lying within forty rods of the dwelling house of the owner of the land, shall be taken for a school site without the owner's consent.

§ 33. Any director wilfully failing to perform his duties as director under this act may be removed by the county superintendent, and a new election ordered, as in other cases of vacancies.

§ 34. All funds belonging to any school district, and coming from any source, shall be paid out only on order of the board of directors, signed by the president and clerk of said board, or by a majority of said board. In all such orders shall be stated the purpose for which or on what account such order was drawn. Said order may be in the following form:

The treasurer of ..... township, No. ...., range, No. ...., in ..... county, will pay to ....., or bearer, ..... dollars and ..... cents, (on his contract for repairing school house, or whatever the purpose may be.) By order of the board of directors of school district No. .... in said township.

A.....B....., President,  
C.....D....., Clerk.

§ 35. Pupils shall not be transferred from one district to another without the written consent of a majority of the directors of each district, which written consent shall be delivered to and filed by the proper township treasurer, and shall be evidence of such consent. A separate schedule shall be kept for each district and in each schedule shall be certified the proper amount due the teacher from that district, computed upon the basis of the total number of days' attendance of all schedules. If the district from which the pupils are transferred is in the same township as the district in which the school is taught, the directors of said district shall deliver the separate schedules to their township treasurer, who shall credit the district in which the school was taught, and charge the other district with the respective amounts certified in said separate schedules to be due. If pupils are transferred from a district of another township, the schedule for that district shall be delivered to the directors thereof, who shall immediately draw an order on their treasurer in favor of the treasurer of the township in which the school was taught, for the amount certified to be due in said separate schedule.

§ 36. When a school is composed in part of pupils transferred as provided for in the preceding section, from other townships, the duty of collecting the amount due on account of such pupils shall devolve upon the directors of the district in which the school was taught.

## ARTICLE VI.

### BOARD OF EDUCATION.

SECTION 1. Incorporated cities and villages, except such as now have charge and control of free schools by special acts, shall be and remain parts of the school townships in which they are respectively situated and be subject to the general provisions of the school law, except as otherwise provided in this article.

§ 2. In all school districts having a population of not less than one thousand and not over one hundred thousand inhabitants and not governed by any special act in relation to free schools now in force, there shall be elected, instead of the directors provided by law in other districts, a board of education, to consist of a president of the board of education, six members and three additional members for every additional ten thousand inhabitants. Whenever additional members of such board of education are to be elected by reason of increased population of such district, such members shall be elected on the third Saturday of April succeeding the ascertaining of such increase by any special or general census, and the notice of such election shall designate the term for which the members are to be elected, so that one-third of the board shall be elected for each year. *Provided*, that in no case shall said board consist of more than fifteen members.

§ 3. The president of said board of education shall be elected annually, at the same time the members of the board of education are elected, and he shall hold his office for the term of one year, and until his successor is elected and qualified.

§ 4. The president of the board of education so elected, shall preside at all meetings of said board, and shall give the casting vote in case of a tie between the members thereof; but otherwise he shall not have a vote. He shall sign all orders for the payment of money ordered by said board, and generally perform such duties as are imposed by law upon presidents of boards of directors, or that may be imposed upon him by said board of education, not in conflict with law: *Provided*, that in the absence or inability to act as said president, said board may appoint a president *pro tempore* from their number.

§ 5. The annual election of members of the board of education shall be on the third Saturday in April, when one-third of the members shall be elected for three years and until their successors are elected and qualified.

§ 6. Notice of such election shall be given by the board of education at least ten days previous to such election by posting notices in at least three of the most public places in said district which shall specify the place where such election is to be held, the time of opening and closing the polls and the purpose for which such election is held, which notice may be in the following form, to-wit:

Public notice is hereby given, that on Saturday the.....day of April, A. D....., an election will be held at.....between the hours of.....and.....of said day for the purpose of electing a president of the board of education of district number....., township No....., range No....., and.....members of the board of education of said district.

Dated this.....day of.....A. D. ....

A..... B....., President.

C..... D....., Clerk.

§ 7. In case of a failure to give the notice above provided for, such election may be held on any Saturday after such notice has been given as aforesaid.

§ 8. Such election shall be conducted in the same manner and be governed by the provisions of this act, relating to the election of boards of directors, except as otherwise provided by law.

§ 9. At the first election of directors succeeding the passage of this act, in any district having a population of not less than one thousand inhabitants by the census of 1880, and in such other districts as may hereafter be ascertained by any special or general census to have a population of not less than one thousand inhabitants, at the first election of directors occurring after taking such special or general census, there shall be elected a board of education, who shall be the successors of the directors of the district; and all rights of property and all rights or causes of action existing or vested in such directors, shall vest in said board of education, in as full and complete a manner as was vested in the school directors. Such board, at its first meeting, shall fix, by lot, the terms of office of its members, so that one-third of them shall serve for one year, one-third for two years, and one-third for three years, and thereafter one-third shall be elected annually on the third Saturday in April, to fill the vacancies occurring, and to serve for the term of three years.

§ 10. The board of education shall have all the powers of school directors and in addition thereto and inclusive thereof they shall have the power, and it shall be their duty:

First—To establish and support free schools not less than six nor more than ten months in each year.

Second—To repair and improve school houses and furnish them with the necessary fixtures, furniture, apparatus, libraries and fuel.

Third—To examine and employ teachers and fix the amount of their salaries.

Fourth—To establish schools of different grades and make regulations for the admission of pupils into the same.

Fifth—To buy or lease sites for school houses with the necessary grounds: *Provided*, it shall not be lawful for such board of education to purchase or locate a school house site, or to purchase, build or move a school house unless authorized by a majority of all voters voting at an election called for such purpose in pursuance of a petition signed by not less than five hundred legal voters of such district, or by one-fifth of all the legal voters of such district.

Sixth—To levy a tax annually upon the taxable property of the district in the manner provided in article 8 of this act, for the purpose of supporting and maintaining free schools in accordance with the powers herein conferred: *Provided*, that it shall not be lawful for such board of education to levy a tax to extend schools beyond the period of ten months in each year, except upon a petition of a majority of the voters of the district: *And, provided, further*, that all taxes shall be levied under the limitations relating to the percentage of the assessment as provided by section 1, article 8 of this act.

Seventh—To employ, should they deem it expedient, a competent and discreet person or persons as superintendent or superintendents of schools, and fix and pay a proper salary or salaries therefor, and such superintendent may be required to act as principal or teacher in such schools.

Eighth—To lay off and divide the district into sub-districts, and from time to time alter the same, create new ones and consolidate them.

Ninth—To visit all the public schools as often as once a month, to inquire into the progress of scholars and the government of the schools.

Tenth—To prescribe the method and course of discipline and instruction in the respective schools, and to see that they are maintained and pursued in the proper manner.

Eleventh—To expel any pupil who may be guilty of gross disobedience or misconduct; no action shall lie against them for such expulsion.

Twelfth—To dismiss and remove any teacher, whenever, in their opinion, he or she is not qualified to teach, or whenever from any cause the interests of the schools may in their opinion require such removal or dismissal.

Thirteenth—To apportion the scholars to the several schools.

Fourteenth—To establish and promulgate all such by-laws, rules and regulations for the government and the establishment and maintenance of a proper and uniform system of discipline in the several schools, as may in their opinion be necessary.

Fifteenth—To take charge of the school houses, furniture, grounds and other property belonging to the district, and see that the same are kept in good condition and not suffered to be unnecessarily injured or deteriorated.

Sixteenth—To provide fuel and such other necessities for the schools as in their opinion may be required in the school houses, or other property belonging to or under the control of the district.

Seventeenth—To appoint a secretary and provide well bound books at the expense of the school tax fund, in which shall be kept a faithful record of all their proceedings.

Eighteenth—To annually prepare and publish in some newspaper, or in pamphlet form, a report of the number of pupils instructed in the year preceding, the several branches of study pursued by them, of the number of persons between the ages of twelve and twenty-one unable to read or write, and the receipts and expenditures of each school, specifying the source of such receipts and the objects of such expenditures.

§ 11. In all questions involving the expenditure of money, the yeas and nays shall be taken and entered on the records of the proceedings of the board.

§ 12. None of the powers herein conferred upon boards of education shall be exercised by them, except at a regular or special meeting of the board.

§ 13. All conveyances of real estate shall be made to the township trustees in trust for the use of schools, and no conveyance of any real estate or interest therein used for school purposes, or held in trust for schools, shall be made except by the board of trustees, upon the written request of such board of education.

§ 14. All money raised by taxation for school purposes, or received from the state common school fund, or from any other source, for school purposes, shall be held by the town-

ship treasurer as a special fund for school purposes, subject to the order of the board of education, upon warrants signed by the president and secretary thereof.

§ 15. Any city, incorporated town, township or district in which free schools are now managed under any special act, may, by vote of its electors, cease to control such schools under such special act, and become a part of the school township in which it is situated, and subject to the control of the trustees thereof, under and according to the provisions of this act.

Upon petition of fifty voters of such city, town, township or district, presented to the board having the control and management of schools in such city, town, township or district, it shall be the duty of such board, at the next ensuing election to be held in such city, town, or township or district, to cause to be submitted to the voters thereof, giving not less than fifteen days' notice thereof, by posting not less than five notices, in the most public places in such city, town, township or district, the question of "organization under the free school law"; which notice shall be in the following form, to-wit:

Public notice is hereby given that on the ..... day of ..... A. D. ...., an election will be held at ....., between the hours of ..... M. and ..... M. of said day, for the purpose of deciding the question of "organization under the free school law."

§ 16. If it shall appear on a canvass of the returns of such election that a majority of the votes cast at such election are "For organization under the free school law," then at the next ensuing regular meeting of the board of trustees of the township or townships in which such city, incorporated town, township or district is situated, said trustees shall proceed to re-district the township or townships as aforesaid, in such manner as shall suit the wishes and convenience of a majority of the inhabitants in their respective townships and to make a division of funds and other property in the manner provided for by section 63, of article 3, of this act, and on any Saturday thereafter there shall be elected in each of the new districts so formed, a director, directors or board of education, as the case may be, in the manner provided for in section 6 of article 5, of this act, and thereafter such districts shall proceed as other districts under this act. But all subsequent elections of directors or boards of education shall be conducted as provided in sections 5 and 8, of article 5, of this act.

§ 17. In cities having a population exceeding one hundred thousand inhabitants, from and after this act shall take effect, the board of education shall consist of fifteen members, to be appointed by the mayor, by and with the advice and consent of the common council, five of whom shall be appointed for the term of one year, five for the term of two years, and five for



the term of three years: *Provided, however,* that in such cities wherein there is now a board of education, holding their office by appointment, such officers shall continue in office until the time at which their terms would have expired under the law in force at the time of their appointment. At the expiration of the term of any members of said board, their successors shall be appointed in like manner and shall hold their office for the term of three years. Any vacancy which may occur shall be filled by the appointment of the mayor, with the approval of the common council for the unexpired term.

§ 18. Any person having resided in any such city more than five years next preceding his appointment, shall be eligible to membership of such board of education.

§ 19. The said board of education shall appoint a president and secretary, the president to be appointed from their own number, and shall appoint such other officers and employes as such board shall deem necessary, and shall prescribe their duties, and compensation and terms of office.

§ 20. The said board shall provide well bound books, at the expense of the school tax fund, in which shall be kept a faithful record of all their proceedings. The yeas and nays shall be taken and entered on the records of the proceedings of the board upon all questions involving the expenditure of money.

§ 21. The said board of education shall have charge and control of the public schools in such cities, and shall have power, with the concurrence of the city council:

First—To erect or purchase buildings suitable for school houses, and keep the same in repair.

Second—To buy or lease sites for school houses, with the necessary grounds.

Third—To issue bonds for the purpose of building, furnishing and repairing school houses, for purchasing sites for the same, and to provide for the payment of said bonds; to borrow money for school purposes upon the credit of the city.

§ 22. The said board of education shall have power:

First—To furnish schools with the necessary fixtures, furniture and apparatus.

Second—To maintain, support and establish schools, and supply the inadequacy of the school funds for the salaries of school teachers from school taxes.

Third—To hire buildings or rooms for the use of the board.

Fourth—To hire buildings or rooms for the use of schools.

Fifth—To employ teachers and fix the amount of their compensation.

Sixth—To prescribe the school books to be used, and the studies in the different schools.

Seventh—To lay off and divide the city into school districts, and, from time to time, to alter the same and create new ones, as circumstances may require, and generally to have and possess all the rights, powers and authority required for the proper management of schools, with power to enact such ordinances as may be deemed necessary and expedient for such purpose.

Eighth—To expel any pupil who may be guilty of gross disobedience or misconduct.

Ninth—To dismiss and remove any teacher whenever, in their opinion, he or she is not qualified to teach, or whenever, from any cause, the interests of the school may, in their opinion, require such removal or dismissal.

Tenth—To apportion the scholars to the several schools.

Eleventh—To lease school property, and to loan moneys belonging to the school fund.

§ 23. It shall be the duty of such board of education:

First—To take the entire superintendence and control of the schools in such cities.

Second—To examine all persons offering themselves as candidates for teachers, and, when found well qualified, to give them certificates gratuitously.

Third—To visit all the public schools as often as once a month.

Fourth—To establish all such by-laws, rules and regulations for the government, and for the establishment and maintenance of a proper and uniform system of discipline in the several schools, as may, in their opinion, be necessary.

Fifth—To determine, from time to time, how many and what class of teachers may be employed in each of the public schools, and employ such teachers and fix their compensation.

Sixth—To take charge of the school houses, furniture, grounds, and other property belonging to the school districts, and see that the same are kept in good condition, and not suffered to be unnecessarily injured or deteriorated.

Seventh—To provide fuel, and such other necessities for the schools as, in their opinion, may be required in the school houses, or other property belonging to the said districts.

Eighth—To inquire into the progress of scholars and the government of the schools.

Ninth—To prescribe the method and course of discipline and instruction in the respective schools, and to see that they are maintained and pursued in the proper manner.

Tenth—To prescribe what studies shall be taught, and what books and apparatus shall be used.

Eleventh—To report to the city council, from time to time, any suggestions they may deem expedient or requisite in relation to the schools and the school fund, or the management thereof, and generally to recommend the establishment of new schools and districts.

Twelfth—To prepare and publish an annual report, which shall include the receipts and expenditures of each school, specifying the source of such receipts and the object of such expenditures.

Thirteenth—To communicate to the city council, from time to time, such information within their possession as may be required.

§ 24. None of the powers herein conferred upon the board of education of such cities shall be exercised by them except at a regular meeting of such board.

§ 25. All conveyances of real estate shall be made to the city in trust, for the use of schools, and no sale of real estate or interest therein, used for school purposes, or held in trust for schools, shall be made except by the city council, upon the written request of such board of education.

§ 26. All moneys raised by taxation for school purposes, or received from the state common school fund, or from any other source, for school purposes, shall be held by the city treasurer as a special fund for school purposes, subject to the order of the board of education, upon warrants to be countersigned by the mayor and city clerk.

§ 27. Said board of education shall not add to the expenditures for school purposes anything over and above the amount that shall be received from the state common school fund, the rental of school lands or property, and the amount annually appropriated for such purposes. If said board shall so add to such expenditure the city shall not, in any case, be liable therefor. And nothing herein contained shall be construed so as to authorize any such board of education to levy or collect any tax upon the demand, or under the direction of such board of education.

§ 28. All schools in such cities shall be governed as hereinbefore stated, and no power given to the board of education shall be exercised by the city council of such city.

## ARTICLE VII.

## TEACHERS.

SECTION 1. No teacher shall be authorized to teach a common school under the provisions of this act who is not of good moral character, at least eighteen years of age, if a male, or seventeen years of age if a female, and who does not possess a certificate of qualifications as hereinafter provided for: *Provided*, that in any county in which a county normal school is established, under the control of a county board of education, the diplomas of graduates in said normal school shall, when directed by said board, be taken by the county superintendent as sufficient evidence, of qualification to entitle the holder to a first grade certificate, but such diploma shall not be sufficient after two years from such graduation.

§ 2. The State Superintendent of Public Instruction is hereby authorized to grant state certificates to such teachers as may be found worthy to receive them: such certificates shall be of two grades, and both shall be valid in every county and school district in the State. The higher grade shall be valid during the lifetime of the holder and the lower grade shall be valid for five years. But state certificates shall only be granted upon public examination, of which due notice shall be given, in such branches and upon such terms and by such examiners as the State Superintendent and the principals of the state universities may prescribe. Said certificates may be revoked by the State Superintendent upon proof of immoral or unprofessional conduct.

*Provided*, the lower grade of certificate shall be issued to graduates of the state normal schools, without examination, at any time within two years of said graduation. *Provided, further*, that no such certificate shall be granted except upon the recommendation of the faculty and the controlling board in each case.

§ 3. It shall be the duty of the county superintendent to grant certificates to such persons as may, upon due examination, be found qualified. Said certificates shall be of two grades; those of the first grade shall be valid in the county for two years, and shall certify that the person to whom such certificate is given, is of good moral character, and is qualified to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, the elements of the natural sciences, the history of the United States, physiology and the laws of health. Certificates of the second grade shall be valid for one year, and shall certify that the person to whom such certificate is given is of good moral character, and is qualified to teach orthography, reading in English, penmanship,

arithmetic, English grammar, modern geography and the history of the United States. The county superintendent may, in his option, renew said certificates at their expiration, by his endorsement thereon, and may revoke the same at any time for immorality, incompetency or other just cause. Said certificates may be in the following form, viz.:

....., Illinois, ..... A. D. ....

The undersigned, having examined.....in orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, the history of the United States and methods of teaching, and being satisfied that.....is of good moral character, hereby certifies that.....qualifications in the above branches are such as to entitle.....to this certificate, being of the.....grade, and valid in said county for.....year.....from the date hereof, renewable at the option of the county superintendent, by his endorsement thereon.

Given under my hand and seal at the date aforesaid.

A. B.

County superintendent of schools.

§ 4. Each county superintendent shall also keep a record in a book, provided for that purpose, of all teachers to whom he grants certificates. Said record shall show the date and grade of each certificate and all renewals granted, and the name, age and nativity of each teacher; and shall give the names of male and female teachers separately. Said record may be as follows, viz.:

Name.	Age.	Nativity.	Date.	Grade.	Experience.	Graduated.
Chas. Thompson.	25.	Illinois.	March 1, 1888.	1.	Has taught five yrs.	State Normal University.

§ 5. No teacher shall be entitled to any portion of the common school or township fund, or other public fund, or, be employed to teach any school under the control of any board of directors of any school district in this State, who shall not at the time of his employment have a certificate of qualification obtained under the provisions of this act, entitling him to teach during the entire term of his contract.

§ 6. Every school established under the provisions of this act shall be for instruction in the branches of education prescribed in the qualifications for teachers, and in such other branches, including vocal music and drawing, as the directors, or the voters of the district at the annual election of directors, may prescribe.

§ 7. It shall be the duty of the county superintendents to hold meetings, at least quarterly, and oftener if necessary, for the examination of teachers, on such days, and in such places in the respective counties, as will, in their opinion, accommodate

the greatest number of persons desiring such examination. Notice of such meetings shall be published a sufficient length of time, in at least one newspaper of general circulation, the expense of such publication to be paid out of the school fund.

§ 8. The county superintendent shall in all cases require the payment of a fee of one dollar from every applicant for examination for a teacher's certificate, and for each renewal of such a certificate he shall require the payment of a fee of one dollar.

§ 9. All moneys so received from applicants for teachers' certificates, and from the registration fees hereinafter provided for, the said county superintendent shall transmit monthly to the county treasurer, to be by him held and designated as the institute fund, and with such fund the county superintendent shall give the treasurer a list of the names of the persons paying such fees. Said fund shall be paid out by the county treasurer only upon the order of the county superintendent and only to defray the expenses of the teachers' institutes, which the county superintendent is, by the following sections, authorized to hold. The county superintendent shall take vouchers for all payments made out of the institute fund, and he shall render an account of such disbursements, with vouchers for the same, to the county board at their regular meeting in September annually.

§ 10. The county superintendent shall hold, annually, a teachers' institute, continuing in session not less than five days, for the instruction of teachers and those who may desire to teach, and with the concurrence of the State Superintendent of Public Instruction, procure such assistance as may be necessary to conduct said institute at such time as the schools of the county are generally closed: *Provided*, that two or more adjoining counties may hold an institute together. At every such institute, instructions shall be free to such as hold certificates good in the county, or counties where two or more join to hold an institute, in which the institute is held; but the county superintendent shall require all others attending to pay him a registration fee of one dollar, except those who have paid him an examination fee as required by section 8 of this article, and failed to receive a certificate.

§ 11. The time, not exceeding three days in any one term, or five days in any one school year, during term time, actually spent by a teacher of any public school in this State in attendance upon a teachers' institute, held under the direction of the county superintendent of schools, shall be considered time lawfully expended by such teacher in the service of the district where such teacher is employed, and no deduction of wages shall be made for such absences. And it shall be the duty of the school officers and boards of education to allow teachers to close their schools for such attendance upon such institute.

§ 12. It shall be the duty of every teacher employed in the public schools of the State to see that the school property of the district, placed under his care and control, is not unnecessarily damaged or destroyed. And no teacher shall be paid any part of the school funds, unless he shall have kept and furnished schedules, when required by law, as hereinafter directed, and shall also have satisfactorily accounted for all books, apparatus and other property belonging to the district which he may have taken in charge.

§ 13. Teachers shall keep correct daily registers of their schools, which shall exhibit the name, age, and attendance of each pupil, the day of the week, the month and the year. Said registers shall be, nearly as may be in the following form, the absence of each scholar being signified by a mark, the presence by a blank, viz.:

Register of a common school kept by A. B., at.....  
in district No....., in township No....., range....., of  
the.....principal meridian, in the county of....., in the  
state of Illinois.

Names and Ages of Scholars Attending School.		Total No. of Days each Scholar.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						
Names.	Ages.	1888, Friday.	February 9.	1888, Thursday.	February 8.	1888, Wednesday.	February 7.	1888, Tuesday.	February 6.	1888, Monday.	February 5.	1888, Friday.	February 4.	1888, Thursday.	February 3.	1888, Wednesday.	February 2.	1888, Tuesday.	January 31.	1888, Monday.	January 30.	1888, Sunday.	January 29.	1888, Friday.	January 26.	1888, Thursday.	January 25.	1888, Wednesday.	January 24.	1888, Tuesday.	January 23.	18-8, Monday.	January 22.	1888, Friday.	January 19.	1888, Thursday.	January 18.	1888, Wednesday.	January 17.	1888, Tuesday.	January 16.	1888, Monday.	January 15.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
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Said register shall be furnished to the teachers by the school directors, and each teacher shall, at the end of his term of school, return his register to the clerk of the school board of the district. And no teacher shall be paid any part of the public funds unless he shall have accurately kept and returned the register as aforesaid.

§ 14. In all districts controlled by a board of directors, teachers shall make schedules of the names of all scholars under twenty-one (21) years of age attending school, in the form prescribed by this act; and when scholars reside in two (2) or more districts, townships or counties, separate schedules shall be kept for each district, township or county. Boards of education may require teachers under their control to make schedules as herein directed, or to make statements certifying the number of days attendance for each month as shown by their registers, which statements shall be certified to by the board of education, and be subject to the same requirements concerning payments of teacher's salary and filing as those made by this act concerning schedules. The schedules to be made and returned by the teacher shall be as near as circumstances will permit, in the following form, viz.:

Schedule of a common school kept by....., at  
....., in district No....., township No.....,  
range No....., of the ..... principal meridian, in the county  
of ....., in the state of Illinois. Names and ages of  
scholars residing in district No....., in township No .....,  
north, range.....west, ..... county, who have at-  
tended in my school during the time beginning the .....day  
of....., 18....., and ending the..... day of.....  
18....., during which time the school was in session .....  
school days.

Names.	Ages.	Days attended.
John Smith.....	10	15
Isaac Meisler.....	13	11
Sarah Danforth.....	16	20
Mary Newman.....	18	18
Grand total number of days' attendance.....		64

	Males.	Females	Total.
Number of scholars.....	2	2	4
Average daily attendance.....			3.2



And said teacher shall add up the whole number of days' attendance of each scholar, and make out the grand total number of days' attendance. He shall also note the whole number of scholars, giving the males and females separately; the average daily attendance; and shall set the age of each pupil opposite the name of such pupil, as in form above prescribed, and shall attach thereto his certificate, which shall be in the following form, viz.:

I certify that the foregoing schedule of scholars attending my school as therein named, and residing as specified in said schedule, to the best of my knowledge and belief, is correct.

A. B....., Teacher.

§ 15. When the teacher shall have completed his or her schedule or schedules as provided in the foregoing section, he or she shall deliver it to some one of the directors who shall, if requested, give the teacher a receipt for the same. And it shall be the duty of the said director, in connection with at least one other director of the board, to carefully examine such schedule or schedules, and after correcting all errors, if any, if they shall find such schedule to have been kept according to law, they shall certify to the same as near as practicable, in the following form, viz.:

STATE OF ILLINOIS,                    }  
  } ss.  
.....County)

We, the undersigned directors of district No....., township No....., range No....., in the county aforesaid, certify that we have carefully examined the foregoing schedule and find the same to be correct, and that the school was conducted according to law; that the teacher is paid as per contract ..... dollars per .....; that the sum of ..... dollars is now due ..... for services for the month ending .....; that said teacher has a legal certificate of ..... grade, and that the property of said district in charge of such teacher has been satisfactorily accounted for.

Witness our hands this.....day of ....., A. D.....

.....  
.....  
.....

Directors.

§ 16. Teachers' wages are hereby declared due and payable monthly, and upon certifying to the schedule, or statement, as hereinbefore provided for, the directors, or board of education, may at once make out and deliver to the teacher an order upon the township treasurer for the amount named in the schedule, or statement; which order shall state the rate at which the teacher is paid according to his contract, the limits of the time for

which the order pays, and that the directors have duly certified a schedule covering the time specified in such order: *Provided*, that in case said order shall be presented to the township treasurer and not paid for want of funds, said treasurer shall certify on the back of such order the date of presentation as required by section 18 of article 4 of this act, and thereafter such order shall bear interest at the rate of eight per cent. per annum until paid, or until the said treasurer shall notify the clerk of the board of directors issuing such order that he has funds with which to pay the same.

§ 17. The school month shall be the same as the calendar month; but teachers shall not be required to teach upon Saturdays, Sundays, legal holidays, these being New Year's, fourth of July, Christmas, and thanksgiving and fast days appointed by the national or state authority; nor shall they be required to make up the time lost by closing school upon such days or upon such special holidays as may be granted the schools by the board of directors.

## ARTICLE VIII.

### REVENUE—TAXATION.

SECTION 1. For the purpose of establishing and supporting free schools, for not less than five, nor more than nine months in each year, and defraying all the expenses of the same of every description; for the purpose of repairing and improving school houses, of procuring furniture, fuel, libraries and apparatus, and for all other necessary incidental expenses in each district, village or city, anything in any special charter to the contrary notwithstanding, the directors of such district, and the authorities of such village or city shall be authorized to levy a tax annually upon all the taxable property of the district, village or city, not to exceed two per cent. for educational, and three per cent. for building purposes, except to pay indebtedness contracted previous to the passage of this act; the valuation to be ascertained by the last assessment for state and county taxes.

§ 2. The directors of each district shall ascertain, as near as practicable, annually, how much money must be raised by special tax for school purposes during the ensuing year, which amount shall be certified and returned to the township treasurer on or before the first Tuesday in August, annually. The certificate of the directors may be in the following form, viz.:

We hereby certify that we require the sum of ..... dollars, to be levied as a special tax for school purposes, and .....

dollars for building purposes, on the taxable property of our district, for the year A. D. ....

Given under our hands this.....day of ..... A. D. ....

A. B.,	}	Directors district No. ...., township
C. D.,		No. ...., range No. ...., county of
E. F.,		..... state of Illinois.

§ 3. It shall be the duty of the township treasurer to return the certificate mentioned in the foregoing section to the county clerk, on or before the second Monday of August, and whenever the boundaries of the districts of the township shall have been changed, the township treasurer shall return to the county clerk, with the certificates, a map of the township, showing such changes, and certified as required by the provisions of this act.

§ 4. When a district lies partly in two or more counties, the directors shall determine and certify the amount to be levied on the taxable property lying in each county, and return the same to the township treasurer who receives the tax money of such district, and who shall return them to the respective county clerks, as hereinbefore provided: *Provided*, that, in order to determine the amount to be levied on the taxable property of that part of the district lying in each county, the directors shall ascertain from the county clerks of the respective counties in which such district lies, the last ascertained equalized value of the taxable property of such district, lying in their respective counties, and then shall ascertain the rate per cent. required, and shall apportion the whole amount to be raised between the several parts of the district so lying in different counties accordingly.

§ 5. According to the amount certified, as aforesaid, the county clerk, when making out the tax books for the collector, shall compute each taxable person's tax, in said district, upon the total amount of taxable property, as equalized by the state board of equalization for that year, lying and being in said district, whether belonging to residents or non-residents, and also each and every tract of land assessed by the assessor, which lies, or the largest part of which lies, in said district. The said county clerk shall cause each person's tax, so computed, to be set upon the tax book to be delivered to the collector for that year, in a separate column, against each taxpayer's name or parcel of taxable property, as it appears in said collector's books, to be collected in the same manner and at the same time and by the same persons as state and county taxes are collected.

§ 6. It shall be the duty of assessors when making assessments of personal property, to designate the number of the school district in which each person so assessed resides; which designation shall be made by writing the number of such district

opposite each person's assessment of personal property, in a column provided for that purpose, in the assessment roll returned by the assessor to the county clerk.

§ 7. It shall be the duty of the county clerk to copy said numbers of school districts, so returned by the assessor, into the collector's book and to extend the school tax on each person's assessment of personal property, according to the rate required by the amount designated by the directors of the school district in which such person resides. The computations of each person's tax and the levy made by the clerk, as aforesaid, shall be final and conclusive: *Provided*, the rate shall be uniform and shall not exceed that required by the amount certified by the board of directors.

§ 8. The county clerk, before delivering the tax book to the collector, shall make out and send by mail to each township treasurer in the county, a certificate of the amount due each district or fraction of a district in his township, of said tax so levied and placed upon the tax books.

§ 9. On or before the first day of April next, after the delivery of the tax books containing the computation and levy of the said taxes, or so soon thereafter as the township treasurer shall present the said certificate of the amount of the said tax, and make a demand therefor, the said collector shall pay to said township treasurer, the full amount of said tax so certified by the county clerk, or in case any part thereof remains uncollected, said collector shall, in addition to the amount collected, deliver to said township treasurer a statement of the uncollected taxes for each district of such township, taking of the township treasurer his receipt therefor, which receipt shall be evidence as well in favor of the collector as against the township treasurer. The said treasurer shall enter the amount collected in his books under the proper heads, and pay the same out as provided for by this act.

§ 10. When a district is composed of parts of two or more townships, the directors shall determine and inform the collectors of said townships, and the collector or collectors of the county or counties in which said townships lie, in writing, under their hands as directors, which of the treasurers of the townships from which their district is formed, shall demand and receive the tax money collected by the said collectors as aforesaid.

§ 11. If any collector shall fail to pay the amount of said tax or any part thereof as required by the provisions of section nine (9) of this article, of this act, it shall be competent for the township treasurer or other authorized person, to proceed against said collector and his securities in an action of debt upon his official bond, in any court of competent jurisdiction. And the said collector so in default shall pay twelve per centum

upon the amount due, to be assessed as damages, which shall be included in the judgment rendered against him: *Provided*, no collector shall be liable for such part of said tax as he shall be able to make appear he could not have collected by law, until he has collected or may be able to so collect such amount.

§ 12. It is hereby made the duty of the proper officers in preparing blank books and notices for the use of assessors, to provide columns and blanks for the use of assessors, so that they may designate the number of the school district, as provided for in section six (6) of this article of this act.

§ 13. A failure by the directors to file their certificates, or of the township treasurer to return the same to the county clerk in the time required by this act, shall not vitiate the assessment, but the same shall be as legal and valid as if completed in the time required by law.

## ARTICLE IX.

### BONDS.

SECTION 1. For the purpose of building school houses or purchasing school sites, or for repairing and improving the same, the directors of any school district when authorized by a majority of all the votes cast at an election called for that purpose, may borrow money, issuing bonds signed by not less than two members of said board of directors, in sums of not less than one hundred (100) dollars and bearing interest at a rate not exceeding eight per centum per annum: *Provided*, that the sum borrowed in any one year shall not exceed five per cent, including existing indebtedness, of the taxable property of the district, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness.

§ 2. All bonds authorized to be issued by virtue of the foregoing section before being so issued, negotiated and sold, shall be registered, numbered and countersigned by the school treasurer of the township wherein the school house of such district is, or is to be located. Such register shall be made in a "bond register" book to be kept for that purpose, and in this register shall first be entered the record of the election, authorizing the directors to borrow money, and then a description of the bonds issued by virtue of such authority as to number, date, to whom issued, amount, rate of interest and when due.

§ 3. All moneys borrowed under the authority granted by this article of this act, shall be paid into the school treasury of the township wherein the bonds issued therefor are required

to be registered, and upon receiving such moneys, the treasurer shall deliver the bond or bonds issued therefor, to the parties entitled to receive the same, and shall credit the funds received to the district issuing the bonds. The treasurer of said township shall enter in the said "bond register" the exact amount received for each and every bond issued. And when any such bonds are paid, the said township treasurer shall cancel the same and shall enter in the said "bond register," against the record of such bonds, the words "paid and cancelled the..... day of....., A. D. ....," filling the blanks with the day, month and year corresponding with the date of such payment.

§ 4. Whenever it is desired to hold an election for the purpose of borrowing money as provided for in this article of this act, the directors of the district in which such election is to be held, shall give at least ten days notice of the holding of such election, by posting notices in at least three of the most public places in such district. Such notices shall specify the place where such election is to be held, the time of opening and closing the polls, and the question or proposition to be voted upon. Which notice may be substantially in the following form, viz.:

#### NOTICE OF ELECTION.

Public notice is hereby given that on the.....day of....., A. D.....,an election will be held at.....,school district No.....in township No....., range No....., of the principal meridian in.....county, Illinois, for the purpose of voting "for" or "against" the proposition to issue the bonds of said school district No.....to the amount of .....dollars due, (here insert the times of payment, giving the amount falling due in each year, if the bonds mature at different dates) which bonds are to bear interest at the rate of..... per cent. per annum, payable.....annually.

The polls of said election will be open at..... o'clock.....M., and will remain open until.....o'clock.....M.

Dated this.....day of....., A. D.....

A. B.

C. D.

E. F.

Directors.

§ 5. At such election two of the directors of such district shall act as judges and one of said directors shall act as clerk. In case either or any of said directors shall fail, from any cause, to be present or to act at such election, at the time of opening the polls thereof, the legal voters assembled shall choose from their number persons to act as such two judges and a clerk of said election. The said judges and the said clerk shall take and subscribe the oath required of judges and clerks of an election held for state or county officers, and such oath may be administered in the same manner as is or may be provided by law

for administering the oath to judges and clerks at a state or county election. At such election all votes shall be by ballot. In districts which have adopted the provisions of "An act regulating the holding of elections, and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, the said election shall be held under the provisions of said act.

§ 6. Within ten days after every such election the judges shall cause the poll book to be returned to the township treasurer, who is required to register such bonds, with a certificate thereon showing the result of such election, which poll book shall be filed and safely kept by the said township treasurer, and shall be evidence of such election. For a failure to return such poll book to such treasurer within the time prescribed, the judges of said election shall severally be liable to a penalty of not less than twenty-five (25) dollars nor more than one hundred (100) dollars, to be recovered in a suit in the name of the People of the State of Illinois, before any justice of the peace, and when collected shall be added to the township school fund of the township in which said treasurer resides.

§ 7. In all cases where any school district has heretofore issued, or may hereafter issue bonds, or other evidences of indebtedness, for money on account of any public school building, or other public improvement, or for any other purposes, which are now binding and subsisting legal obligations against said school district and remaining outstanding, and which are properly authorized by law, the proper authorities of such school district may, upon the surrender of any such bonds or other evidences of indebtedness, or any number thereof, issue in place or in lieu thereof or to take up the same, to the holders or owners of the same, or to other persons for money with which to take up the same, new bonds or other evidences of indebtedness, in such form, for such amount, upon such time, not exceeding the term of twenty years, and drawing such rate of interest not exceeding eight per centum per annum, as may be determined upon; and such new bonds or other evidences of indebtedness so issued shall show on their face that they are issued under this act: *Provided*, that the issue of such new bonds in lieu of such indebtedness shall first be authorized by a vote of the legal voters of such school district voting at an election called and conducted as other elections provided for by this article of this act: *And, provided, further*, that such bonds or other evidences of indebtedness shall not be issued so as to increase the aggregate indebtedness of such school district beyond five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes prior to the issuing of such bonds or other evidences of indebtedness.

## ARTICLE X.

## COUNTY CLERK.

SECTION 1. In all cases where, by any provision of laws, the returns of any election for school trustees are made to the county clerk of any county, it shall be the duty of the county clerk, within ten days after such returns have been made to him, as aforesaid, to furnish to the county superintendent of schools a list of all such trustees so returned to him, and the township from which the same have been so returned.

§ 2. Whenever any change shall be made in the boundaries of any school district, and a written statement or record of such change shall be delivered to the county clerk of such county, it shall be the duty of said county clerk to file such statement or record, and all papers relating thereto, and duly record the same in the records of his office; and in case of a neglect or failure so to do, the said county clerk shall be liable to a penalty of twenty-five (25) dollars, to be recovered by an action of debt before any justice of the peace, at the suit of the county superintendent, for the benefit of the school fund of the said county.

§ 3. Whenever any school district lies partly in two or more counties, it shall be the duty of the county clerk of each county, in which any part of such district lies, to furnish, upon request, to the directors of such district, a certificate showing the last ascertained equalized value of the taxable property in that part of such district lying in such county.

§ 4. It shall be the duty of the county clerk to furnish to the directors of any school district, or to the board of education in districts having a board of education, upon request, a certificate showing the last ascertained equalized value of the taxable property of such district, as the same appears of record in his office.

§ 5. It shall be the duty of the county clerk, when making out the tax books for the collector, to compute each taxable person's tax in each school district upon the total amount of taxable property, as equalized by the state board of equalization for that year, lying and being in such district, whether belonging to residents or non-residents, and also each and every tract of land assessed by the assessor, which lies, or the largest part of which lies, in such district. Such computation shall be made so as to realize the amount of money required to be raised in such district, as shown and set forth in the certificate of tax levy, made out by the directors of such district, and filed with the township treasurer, as required by the provisions of this



act. The said county clerk shall cause each person's tax, so computed, to be set upon the tax book, to be delivered to the collector for that year, in a separate column, against each taxpayer's name, or parcel of taxable property, as it appears in said collector's books, to be collected in the same manner, and at the same time, and by the same person as state and county taxes are collected. In making up the tax books to be delivered to the collectors of taxes, the county clerk shall copy into such tax books the number of the school district set opposite to each person's assessment of personal property by the assessor making the assessment of such person, and to extend the school tax on each person's assessment of personal property, according to the rate required by the amount designated by the directors of the school district in which such person resides, as shown by said certificate of tax levy. The computation of each person's tax and the levy made by the clerk, as aforesaid, shall be final and conclusive: *Provided*, that the rate shall be uniform, and shall not exceed that required by the amount certified by the board of directors. The said county clerk, before delivering the tax book to the collector, shall make out and send by mail to each township treasurer of the county, a certificate of the amount due each district, or a fraction of a district, in his township, of said tax, so levied and placed upon the tax books.

§ 6. Whenever the county board of any county shall have audited the itemized bills of the county superintendent of schools, or their assistants, as required by the provisions of this act, it shall be the duty of the county clerk of such county to certify to such act, and transmit the said bills to the Auditor of Public Accounts, who shall, upon receipt of them, remit, in payment thereof to each superintendent, his warrant upon the State Treasurer for the amount certified to be due him; and the Auditor, in making his warrant to any county for the amount due it from the state school fund, shall deduct from it the several amounts for which warrants have been issued to the county superintendent of said county since the next preceding apportionment of the state school fund.

§ 7. The county clerk of each county shall preserve and record in a well-bound book, to be kept for that purpose, the report of the county superintendent, made to the county board, at the first regular term of such board in each year, relating to the sale of school lands, the amount of money received, paid, loaned out and on hand, belonging to each township fund in his control, and the statement copied from the loan book of such county superintendent, showing all the facts in regard to loans which are required to be stated on the loan book.

## ARTICLE XI.

## COUNTY BOARDS.

SECTION. 1. The county board of each county of this State shall have power:

First—To approve the bond of the county superintendent of schools.

Second—To increase the penalty of the bond of the county superintendent of schools beyond twelve thousand (12,000) dollars, if, in the discretion of the said county board, such bond should be so increased.

Third—To remove the county superintendent of schools from office for any palpable violation of law or omission of duty.

Fourth—To require the county superintendent of schools, after notice given, to execute a new bond, conditioned and approved as the first bond, whenever, in the discretion of the county board, such new bond is necessary: *Provided, however*, that the execution of such new bond shall not affect the old bond or the liability of the security thereof.

Fifth—To require the county superintendent of schools to make the reports to such board provided for by law, and to remove him from office in case of neglect or refusal so to do.

Sixth—In counties having not more than one hundred (100) schools, the board may limit the time of the superintendent of schools: *Provided*, that in the counties having not more than fifty (50) schools, the limit of time shall not be less than one hundred and fifty (150) days a year; in counties having from fifty-one (51) to seventy-five (75) schools, not less than two hundred (200) days a year; and in counties having from seventy-six (76) to one hundred (100) schools, not less than two hundred and fifty (250) days.

Seventh—Said county board shall authorize the county superintendent of schools to employ such assistants as he needs for the full discharge of his duties, and said county board shall fix the compensation to be paid therefor, which compensation shall be paid out of the county treasury.

§ 2. It shall be the duty of the county board of each county of this State:

First—To provide for the county superintendent of schools a suitable office, with necessary furniture and office supplies, as is done in the case of other county officers.

Second—When the office of county superintendent of schools shall become vacant by death, resignation, removal, or other-

wise, to fill the same by appointment. And the person so appointed shall hold his office until the next election of county officers, at which election the said board shall order the election of a successor.

Third—To examine and approve or reject the report of the county superintendent of schools made to such board, and the notes and securities taken by such superintendent for school funds.

Fourth—At the regular meeting in September, and as near quarterly thereafter as such board may have regular or special meetings, to audit the itemized bills of the county superintendent, and of his assistants, for their per diem compensation and expenses allowed by law for visiting schools.

§ 3. At the first regular term of the county board in each year, the county superintendent shall present to the county board of his county:

First—A statement showing the sales of school lands made subsequent to the first regular term of the previous year, which shall be a true copy of the sale book (book B).

Second—Statements of the amount of money received, paid, loaned out, and in hand, belonging to each township or fund under his control, the statement of each fund to be separate.

Third—Statements copied from his loan book (book C), showing all the facts in regard to loans which are required to be stated on the loan book.

All of which the county board shall thereupon examine and compare with the vouchers, and the said county board, or so many of them as may be present at the meeting of the board, shall be liable individually to the fund injured, and to the securities of the county superintendent, in case judgment be recovered of the said securities, for all damages occasioned by a neglect of the duties, or any of them, required of said board by this section: *Provided*, nothing herein contained shall be construed to exempt the securities of said county superintendent from any liability as such securities, but they shall still be liable to the fund injured the same as if the members of the county board were not liable to them for neglect of their duty.

## ARTICLE XII.

### SCHOOL FUNDS.

SECTION 1. The common school fund of this State shall consist of the proceeds of a two mill tax to be levied upon each dollar's valuation of the property in the State, annually, until

otherwise provided by law ; the interest on what is known as the school fund proper, being three per cent. upon the proceeds of the sales of the public lands in the State, one-sixth part excepted, and the interest on what is known as the surplus revenue, distributed by act of congress and made a part of the common school fund by act of the legislature, March 4, 1837.

§ 2. The State shall pay the interest mentioned in the preceding section at the rate of six per cent. per annum, annually, to be paid into and become a part of said school fund.

§ 3. On the first Monday in January in each and every year next after taking the census of the State, by federal or state authority, the Auditor of Public Accounts shall ascertain the number of children in each county in the State, under twenty-one years of age, and shall thereupon make a dividend to each county of the sum from the tax levied and collected under the provisions of the first section of this article of this act, and of the interest due on the school fund proper and surplus revenue, in proportion to the number of children in each county under the age aforesaid, and issue his warrant to the superintendent of schools of each county upon the collector thereof. Upon presentation of said warrant by the county superintendent to the collector of his county, said collector or the treasurer shall pay over to the county superintendent the amount of said warrant out of the first funds which may be collected by him and not otherwise appropriated by law, taking said superintendent's receipt therefor. .

§ 4. The said warrants issued by the Auditor of Public Accounts for the school fund tax and for the interest of the school fund proper and surplus revenue, shall be received by the State Treasurer in payments of amounts due to the State from county collectors; and on presentation by the State Treasurer of said warrants to said Auditor, he shall issue his warrant to said Treasurer on the school fund, for the amount of the school fund tax warrants, and on the revenue fund for the amount of the warrants for interest on the school fund proper and surplus revenue. Dividends shall be made as aforesaid, according to the proportions ascertained to be due to each county annually, thereafter, until another census shall have been taken, and then dividends shall be made and continued as aforesaid according to the last census.

§ 5. If any collector shall fail or refuse to pay the amount of the aforesaid Auditor's warrant, or any part thereof, by the first day of March, annually, or as soon thereafter as it may be presented, it shall be competent for the county superintendent to proceed against said collector and his securities in an action of debt, in any court having competent jurisdiction,

and the said collector shall pay interest at the rate of twelve per centum per annum, to be assessed as damages upon the amount due, and which interest shall be included in the judgment obtained against him: *Provided*, that if it satisfactorily appears to the court that on the said first day of March, or on the day of presentation for payment thereafter, the said collector has not, as yet, collected funds sufficient to pay said warrant, said interest shall not be allowed upon said warrant.

§ 6. All bonds, notes, mortgages, moneys and effects which have heretofore accrued or may hereafter accrue from the sale of the sixteenth section of the common school lands of any township or county, or from the sale of any real estate or other property taken on any judgment or for any debt due to the principal of any township or county fund, and all other funds of every description which have been or may hereafter be carried to and made part of the principal of any township or county fund, by any law which has heretofore been, is now or may hereafter be enacted, are hereby declared to be and shall forever constitute the principal of the township or county fund, respectively; and no part thereof shall ever be distributed or expended for any purpose whatever, but the same shall be loaned out and held to use, rent or profit, as provided by law. But the interest, rents, issues and profits, arising and accruing from the principal of said township or county fund, shall be distributed in the manner and at the times as provided by this act; nor shall any part of such interests, rents, issues and profits be carried to the principal of the respective funds, except it appear on the first Monday in October in any year, that there is rent, interest or other funds on hand which are not required for distribution, such amount not required as aforesaid, may, if the board of trustees see proper, forever be considered as principal in the funds to which it belongs and loaned as such.

§ 7. School funds collected from special taxes, levied by order of school directors, or from the sale of property belonging to any district, shall be paid out only on the order of the proper board of directors; and all other moneys or school funds, liable to distribution, paid into the township treasury or coming into the hands of the township treasurer, shall, after said funds have been apportioned by the township trustees, as required in section 26, of article 3, of this act, to be paid out only on the order of the proper board of directors, signed by the president and clerk of said board, or by a majority of said board. For all payments made, receipt shall be taken and filed by said board of directors.

§ 8. In all such orders shall be stated the purpose for which or on what account drawn. Said orders may be in the following form, viz.:

The treasurer of..... township No. ...., range No. ...., in ..... county, will pay to ..... or order, ..... dollars and ..... cents (on his contract for repairing school house, or whatever the case may be).

By order of the board of directors of school district No. ...., in said township.

A. B., President.

C. D., Clerk.

Which order, together with the receipt of the person to whom paid, shall be filed in the office of the township treasurer: *Provided*, that when an order is paid in full, such order, if properly endorsed by the person in whose favor it was drawn, and his assigns, if any, shall be a sufficient receipt for the purposes of this section.

§ 9. When a district is composed of parts of two or more townships, the township treasurer or treasurers who do not receive the tax money of said district, shall, when they hold any funds belonging to said district, notify the directors thereof of the amount of such funds; and the directors shall thereupon give the treasurer who receives the tax money of said district an order for such funds, and upon receipt thereof, he shall hold them, to be paid out as aforesaid.

§ 10. In all cases where school funds are held by any person or persons in an official capacity, by virtue of any special charter defining the manner of loaning the same, such moneys may be loaned upon the same terms and conditions as are provided by this act, or may hereafter be provided, by the school laws of this State, for loaning the school funds of counties or townships.

## ARTICLE XIII.

### SCHOOL LANDS.

SECTION 1. Section number sixteen (16) in every township granted to the State by the United States for the use of schools, and such sections and parts of sections as have been or may be granted, as aforesaid, in lieu of all or part of section number sixteen (16), and also the lands which have been or may be selected and granted as aforesaid, for the use of schools, to the inhabitants of fractional townships in which there is no section number sixteen (16), or where such section shall not contain the proper proportion for the use of schools in such fractional townships, shall be held as common school lands; and the provisions of this act referring to common school lands shall be deemed to apply to the lands aforesaid.

§ 2. All the business of such townships so far as relates to common school lands shall be transacted in that county which contains all or a greater portion of said lands.

§ 3. It shall be lawful for the trustees of schools in townships in which section number sixteen (16), or any other lands granted in lieu thereof, remain unsold or which has title to any other school lands whatsoever, to rent or lease the same for an annual rent to be paid in money to the treasurer, by a written contract made by the president and clerk, under the direction of the board, with the lessee or lessees, which contract shall be filed with the records of the board, and a copy of the same transmitted to the county superintendent. In case of any default in the payment of the rent, the said board of trustees shall at once proceed to collect the same by distress, or otherwise, as may be provided by law for the collection of rents by landlords. No lease taken under the provisions of this act, shall be for a longer period than five years, except where such lands are leased for the purpose of having permanent improvements made thereon, as may be the case in cities and villages: *Provided*, that the provisions of this section shall not apply to cities having a population of over one hundred thousand (100,000) inhabitants.

§ 4. The trustees of schools of any township concerned, are hereby authorized and empowered, in their corporate capacity, to sell and convey to any railroad company which may construct a railroad across any of the public school lands of such township, the right of way and necessary depot grounds. All moneys received by such trustees for any right of way or depot grounds so sold, shall be turned over by such trustees to the township treasurer of the township for the benefit of the township school fund.

§ 5. If any person shall, without being duly authorized, cut, fell, box, bore, destroy or carry away any tree, sapling or log standing or being upon any school lands, such person shall forfeit and pay, for every tree, sapling or log so felled, boxed, bored, destroyed or carried away, the sum of eight (8) dollars, which penalty shall be recovered with costs of suit, by an action of debt or assumpsit, before any justice of the peace having jurisdiction of the amount claimed, or in the county or circuit court, either in the corporate name of the board of trustees of the township to which the land belongs, or by *qui tam* action in the name of any person who will first sue for the same, one-half of the judgment for the use of the person suing, and the other half for the use of the township aforesaid. When two or more persons shall be concerned in the same trespass, they shall be jointly and severally liable for the penalty herein imposed.

§ 6. Every trespasser upon common school lands, shall be liable to indictment, and, upon conviction, shall be fined in three times the amount of the injury occasioned by said trespass, and shall stand committed as in other cases of misdemeanor.

§ 7. All penalties and fines collected under the provisions of the foregoing sections, shall be paid to the township treasurer, and be added to the principal of the township fund.

§ 8. When the inhabitants of any township or fractional township shall desire the sale of the common school lands of the township or fractional township, they shall present a petition to the county superintendent of the county in which the school lands of the township, or the greater part thereof, lie, for the sale thereof; which petition shall be signed by at least two-thirds of the legal voters of the township, or fractional township. The signing of the petition must be done in the presence of two adult citizens of the township, after the true meaning and purpose thereof have been explained; and, when signed, an affidavit must be affixed thereto by the two citizens witnessing the signing, in the manner aforesaid, which affidavit shall state the number of inhabitants in the township, or fractional township, of and over twenty-one years of age; and said petition, so proved, shall be delivered to the county superintendent for his action thereon: *Provided*, no whole section shall be sold in any township containing less than two hundred inhabitants; and common school lands in fractional townships may be sold when the number of inhabitants and the number of acres are in the ratio of two hundred to six hundred and forty, but not before.

§ 9. Any fractional township, not having the requisite number of inhabitants to petition for the sale of the school lands therein, as provided in section 8 of this article of this act, which has not heretofore been united with any other township, for school purposes, and which does not contain a sufficient number of inhabitants to maintain a free school, is hereby attached to the adjacent congressional township having the longest territorial line bordering on such fractional township, for school purposes; and all the provisions of this act shall apply to such united townships, the same as though they were one and the same township.

§ 10. When the petition and affidavits are delivered to the county superintendent, as aforesaid, he shall notify the trustees of said township thereof, and said trustees shall immediately proceed to divide the land into tracts or lots, of such form and quantity as will produce the largest amount of money.

§ 11. After making the division required by the foregoing section, said trustees shall cause a correct plat of the same to be made, representing all the divisions, with each lot numbered and defined, so that its boundaries may be forever ascertained.



§ 12. In subdividing said common school lands for sale, no lot shall contain more than 80 acres, and the division may be made into town or village lots, with roads, streets or alleys between them and through the same; and all such divisions, with all similar divisions hereafter made, are hereby declared legal, and all such roads, streets and alleys, public highways.

§ 13. After such division into lots has been made and platted, the trustees of schools shall fix a value on each lot, having regard to the terms of sale, certify to the correctness of the plat, stating the value of each lot per acre, or per lot if less than one acre, and referring to and describing the lot in the certificate, so as fully and clearly to distinguish and identify each lot; which plats and certificate shall be delivered to the county superintendent, and shall govern him in advertising and selling such lands.

§ 14. Upon the reception by the county superintendent of the plat and certificate of valuation from the trustees, he shall proceed to advertise the said land for sale in lots as divided and laid off by said trustees, by posting notices thereof in at least six (6) public places in the county, forty days before the day of sale, describing the land and stating the time, place and terms of sale; and if any newspaper is published in said county, said advertisement shall be printed therein, for four weeks before the day of sale; if no newspaper is published in said county, then such land may be sold under the notice aforesaid, which notice may be in the following form, viz.:

#### Sale of School Land.

Public notice is hereby given that on the.....day of....., A. D. 18....., between the hours of ten o'clock A. M. and six o'clock P. M., the undersigned superintendent of schools of .....county, will sell at public vendue to the highest bidder at the.....door of the court house, in....., (or on the premises), the following described real estate, the same being a part of the school lands of township No....., range No....., as divided and platted by the trustees of schools of said township, to-wit: (here insert full and complete description of said premises). Said lands will be sold for cash in hand with the privilege to any purchaser of borrowing from the undersigned, the whole or any part of the amount of his bid, for not less than one, nor more than five years, upon his paying interest and giving security as required in case of a loan obtained from the township school fund.

Dated this.....day of....., A. D. ....

.....

County Superintendent,  
.....County.

§ 15. The place of selling common school lands shall be at the court house of the county in which the lands are situated; or the trustees of schools may direct the sale to be made on the premises.

§ 16. The terms of selling common school lands shall be to the highest bidder, for cash, with the privilege to each purchaser of borrowing from the county superintendent the amount or any part of the amount of his bid, for any period of not less than one year nor more than five years, upon his paying interest and giving security, as in case of money loaned by a township treasurer, as provided in this act.

§ 17. Upon the day appointed for such sale, the county superintendent shall proceed to make sales as follows, viz.: He shall begin at the lowest numbered lot and proceed regularly to the highest numbered, till all are sold or offered. No lot shall be sold for less than its valuation by the trustees. Said sale shall be made between the hours of ten o'clock A. M. and six o'clock P. M., and may continue from day to day. The lots shall be cried separately, and each lot cried long enough to enable any person present to bid who desires to bid.

§ 18. Upon closing the sales each day, the purchasers shall each pay, or secure the payment of the purchase money, according to the terms of sale; or in case of his failure to do so by ten o'clock the succeeding day, the lot purchased shall again be offered at public sale, on the same terms as before, and if the valuation or more shall be bid, shall be stricken off; but if the valuation be not bid, the lot shall be set down as not sold. If the sale is, or is not, made, the former purchaser shall be required to pay the difference between his bid and the valuation of the lot; and in case of his failing to make such payment, the county superintendent may forthwith institute an action of debt or assumpsit in his name, as superintendent, for the use of the inhabitants of the township where the land lies, for the required sum; and upon making proof, shall be entitled to judgment, with costs of suit, which, when collected, shall be added to the principal of the township fund. If the sum claimed does not exceed two hundred dollars, the suit may be commenced before a justice of the peace; if the sum demanded exceeds two hundred dollars, then suit may be brought in the circuit court of any county wherein the party may be found.

§ 19. All lands not sold at public sale, as herein provided for, shall be subject to sale at any time thereafter, at the valuation; and the county superintendents are authorized and required, when in their power, to sell all such lands at private sale, upon the terms at which they were offered at public sale.

§ 20. In all cases where common school lands have been heretofore valued, and have remained unsold for two years,

after having been offered for sale, or shall hereafter remain unsold for that length of time, after being valued and offered for sale, in conformity to this act, the trustees of schools where such lands are situated may vacate the valuation thereof, by an order to be entered in book A of the county superintendent, and cause a new valuation to be made, if, in their opinion, the interests of the township will be promoted thereby. They shall make said second valuation in the same manner as the first was made, and shall deliver to the county superintendent a plat of such second valuation, with the order of vacation, to be entered as aforesaid, whereupon said county superintendent shall proceed to sell said lands in all respects as if no former valuation had been made: *Provided*, that the second valuation may be made by the trustees of schools, without petition, as provided in this act for the first valuation.

§ 21. Upon the completion of every sale by the purchaser, the county superintendent shall enter the same in book B, and shall deliver to the purchaser a certificate of purchase, stating therein the name and residence of the purchaser, describing the land and the price paid therefor; which certificate shall be evidence of the facts therein stated.

§ 22. At the first regular term of the county board in each year the county superintendent shall present to the county board of his county, a statement showing the sales of school lands, made subsequent to the first regular term of the previous year, which shall be a true copy of the sale book (book B).

§ 23. The county superintendent shall also at the time aforesaid transmit to the Auditor of Public Accounts, a full and exact transcript from book B, of all the sales made subsequent to each report. The statement required to be presented to the county board shall be preserved and copied by the clerk of said board into a well bound book kept for that purpose, and the list transmitted to the Auditor shall be filed, copied and preserved in like manner.

§ 24. Every purchaser of common school lands shall be entitled to a patent from the State, conveying and assuring the title. Patents shall be made out by the Auditor, from returns made to him by the county superintendent. They shall contain a description of the land granted, and shall be in the name of and signed by the Governor, countersigned by the Auditor, with the great seal of the State affixed thereto by the Secretary of State, and shall operate to vest in the purchaser a perfect title in fee simple. When patents are executed as herein required, the Auditor shall note on the list of sales the date of each patent, in such manner as to perpetuate the evidence of its date and delivery, and thereupon transmit the same to the county superintendent of the proper county, to be by him delivered to the patentee, his heirs or assigns upon the return of

the original certificate of purchase, which certificate, when returned, shall be filed and preserved by the county superintendent; and all such patents, heretofore or hereafter so issued, by the State for school lands, or duly certified copies thereof from any record legally made, shall after the lapse of ten years, from the date of such patent, and such sale having been acquiesced in for ten years by the inhabitants of the township in which the land so conveyed may be situated, be conclusive evidence as to the legality of the sale, and that the title to such land was, at the date of the patent, legally vested in the patentee.

§ 25. Purchasers of common school lands, and their heirs and assigns, may obtain duplicate copies of their certificates of purchase and patents, upon filing affidavit with the county superintendent in respect to certificates, and with the Auditor in respect to patents, proving the loss or destruction of the originals; and such copies shall have all the force and effect of originals.

§ 26. When any real estate shall have been taken for any debts due to any school fund, the title to which real estate has become vested in any county superintendent for the use of the inhabitants of one or more townships or of the county, the county superintendent may lease or sell such real estate for the benefit of said township or townships, or of the county, as provided for in section 37 of article 3 of this act, regulating the leasing and sales of land by school trustees: *Provided*, that in case the real estate be held for the benefit of any township or townships, it shall not be sold except upon the written request of the school trustees of said township or townships. The said county superintendent is hereby authorized to execute conveyances of such real estate to the purchasers when so sold.

§ 27. The trustees of schools in any township are hereby authorized and empowered, in their corporate capacity, to lay out and dedicate to the public use, for street and highway purposes, so much of the common school lands, which is unimproved or unoccupied with buildings, as may be necessary to open or extend any street or highway which may be ordered opened or extended by the municipal authorities, which are by law empowered to open or extend streets or highways in the territory where said school lands are located: *Provided*, that said trustees of schools shall be of the opinion that the benefits to accrue from the opening or extending of said street or highway, to the remainder of said common school lands, will compensate for the strip so dedicated: *And, provided, further*, that it shall not be lawful for any street or other railroad to lay down railroad tracks on any strip of the common school land so dedicated, or use the same or any part of the common school lands for railroad or street railroad purposes, except

upon the purchase or lease of the same from the proper authorities, or upon the payment to the school fund of said township of the value of such use or land taken, the same as if no street or highway had been laid out thereon, to be determined by proceedings under an act entitled, "An to provide for the exercise of the right of eminent domain," approved April 10, 1872, and all amendments thereto: *And, provided, further*, that this section shall not in any way affect existing leases or contracts for the lease or purchase of common school lands.

## ARTICLE XIV.

### FINES AND FORFEITURES.

SECTION 1. All fines, penalties and forfeitures imposed or incurred in any of the courts of record, or before any justice of the peace of this State, except fines, forfeitures and penalties incurred or imposed in incorporated towns or cities for the violation of the by-laws or ordinances thereof, shall, when collected, be paid to the county superintendent of schools of the county wherein such fines, penalties or forfeitures have been imposed or incurred, and the said county superintendent of schools shall give his receipt therefor to the person from whom such fine, forfeiture or penalty was received. The said county superintendent shall annually distribute such fines, penalties or forfeitures in the same manner as the common school funds of the State are distributed.

§ 2. It shall be the duty of the state's attorneys of the several counties to enforce the collection of all fines, forfeitures and penalties imposed or incurred in the courts of record of their respective counties, and to pay the same over to the county superintendent of the county wherein the same have been imposed or incurred, retaining therefrom the fees and commissions allowed them by law.

§ 3. It shall be the duty of the justices of the peace to enforce the collection of all fines imposed by them by any lawful means, and when collected the same shall be paid, by the justice collecting the same, to the county superintendent of the county in which the same was imposed.

§ 4. Clerks of courts of record, state's attorneys and all justices of the peace shall report, under oath, to the county court of their respective counties, by the first of March, annually, the amount of such fines, penalties and forfeitures imposed or incurred in their respective courts, and the amount of such fines, forfeitures and penalties collected by them, giving each item separately; and if any such officer has collected no such fines,

penalties or forfeitures, he shall make affidavit to such fact and file the same with the county superintendent. The judges of the county court shall inspect the said reports and may hear evidence thereon, and if found correct and truthful shall enter an order approving such report, and that any moneys in the hands of such officers so reporting shall be paid over to the superintendent of schools. If the court shall not approve of such report he may order a new one to be made, and upon a failure to comply with the order of the court or to make a satisfactory report, the court may state an account and enter an order to pay over as above provided. The court, for all purposes, for carrying out the provisions of this section shall have power to examine books and papers as provided hereinafter in section 6 of this article, and shall have power to issue subpoenas for both books and persons: *Provided*, that no report shall be approved until the court shall have given the superintendent five (5) days' notice of the same, and he shall be allowed to inspect said report, and he shall be heard by the court upon the same if he desire. And the officers charged with the collection thereof, the said clerks, state's attorneys and justices of the peace, for a failure to make such a report, shall be liable to a fine of twenty-five (25) dollars for each offence, said fine to be recovered in a civil action, before any court at the suit of the county superintendent of schools of the proper county.

§ 5. For a failure to pay any fine, forfeiture or penalty on demand to the person who is by law authorized to receive the same, the officer or person having collected the same, or having the same in his possession or control, shall forfeit and pay double the amount of such fine, penalty or forfeiture as aforesaid, to be recovered before any court having jurisdiction thereof, in a *qui tam* action; one-half to be paid to the informer and one-half to the school fund of the proper county.

§ 6. In case that any clerk of a court of record, state's attorney, or justice of the peace, shall fail to make the report provided for in section 4 of this article, the county court shall have power, and it is hereby made the duty of the judge of said court, to examine all records pertaining to the office of such delinquent officer, and enforce the payment of whatever sum may be found due the school fund from such delinquent officer. For the purpose of making such examination, the said county court shall have the right to call for any paper or papers, docket, fee book, or other record belonging to the office of such delinquent officer, and in case such delinquent officer fails or refuses to furnish such paper, docket, fee book, or other record for the inspection or use of such county court, he shall forfeit and pay to the school fund the sum of one hundred (100) dollars, to be recovered in an action of debt or assumpsit,

before any court of this State having jurisdiction of the actions of debt and assumpsit, and such penalty, when collected shall be paid into the school fund of the proper county.

## ARTICLE XV.

### LIABILITY OF SCHOOL OFFICERS.

SECTION 1. Whenever the county superintendent of schools of any county shall notify the board of trustees of any township, in writing, that the notes, bonds, mortgages, or other evidences of indebtedness, which have been taken officially by the township treasurer, are not in proper form, or that the securities which the said township treasurer has taken are insufficient, it shall be the duty of the said board of trustees at once to take such action as may be necessary to save and protect the property or funds of the districts and the township. And for a failure or refusal to take such action, within twenty days after such notice, the members of the board, each in his individual capacity, shall be liable to a fine of not less than twenty-five (25) nor more than one hundred (100) dollars, to be recovered before any justice of the peace, on information, in the name of the People of the State of Illinois, provided such insufficiency is proven, and, when collected, the said fine shall be paid to the county superintendent of the proper county, for the use of schools. And the payment of this fine shall not relieve the board of trustees from any civil liability they may have incurred from such neglect of duty.

§ 2. If the judges of any school election, called for any legal purpose, shall fail or neglect to deliver a copy of the poll book of any such election, with a certificate thereon showing the result of such election, to the officer provided by law, to whom such return shall be made, within ten days after such election shall have been held, the said judges of election shall be severally liable to a penalty of not less than twenty-five (25) dollars, nor more than one hundred (100) dollars, to be recovered, in the name of the People of the State of Illinois, by an action of debt, before any justice of the peace of the county; which penalty, when collected, shall be paid into the school fund of the township in which such election was held.

§ 3. It shall be the duty of the board of directors of every school district in this State to deliver to the township treasurer all teachers' schedules made and certified, as required by law, and covering all time taught during the school year ending June 30th, on or before the 7th day of July, annually; and the

directors shall be personally liable to the district for any and all loss sustained by it through their failure to examine and deliver to the said township treasurer all such schedules within the said time.

§ 4. For any failure or refusal to perform all the duties required of the township treasurer by law, he shall be liable to the board of trustees upon his official bond for all damages sustained by reason of such failure or refusal, to be recovered by action of debt by said board, in their corporate name, for the use of the proper township, before any court having jurisdiction of the amount of damages claimed; but if the said treasurer, in any such failure or refusal, acted under and in conformity to a requisition or order of said board, or a majority of them, entered upon their journal and subscribed by their president and clerk, then, and in that case, the members of said board aforesaid, or those of them voting for such requisition or order aforesaid, and not the said township treasurer, shall be liable, jointly and severally, to the inhabitants of the township for all such damages, to be recovered by an action of assumpsit in a suit brought in the official name of the county superintendent of schools, for the use of the proper township: *Provided*, said treasurer shall be liable for any loss not collected by reason of the insolvency of said trustees.

§ 5. When a township treasurer shall resign, or be removed, and at the expiration of his term of office, he shall pay over to his successor in office, when appointed, all money on hand, and deliver over all books, notes, bonds, mortgages, and all other securities for money, and all papers and documents of every description in which the corporation has any interest whatever, and in case of the death of the township treasurer, his securities and legal representatives shall be bound to comply with the requisitions of this section, so far as the said securities and legal representatives may have the power so to do. And for any failure to comply with the requisitions of this section, the persons neglecting or refusing shall be liable to a penalty of not less than ten nor more than one hundred dollars, at the discretion of the court before which judgment may be obtained, to be recovered in an action of debt, before any justice of the peace, for the benefit of the school fund of such township: *Provided*, that the obtaining or payment of such judgment shall in no wise discharge or diminish the obligation of the persons signing the official bond of such township treasurer.

§ 6. If any county superintendent, trustee of schools, township treasurer, director or any other person entrusted with the care, control, management or disposition of any school, college, seminary or township fund for the use of any county, township, district or school, shall convert such funds or any



part thereof to his own use, he shall be liable to indictment, and upon conviction thereof, shall be fined in any sum not less than double the amount of money converted to his own use, and imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court.

§ 7. Trustees of schools shall be liable jointly and severally, for the sufficiency of securities taken from township treasurers; and in case of judgment against any treasurer and his securities for or on account of any default of such treasurer on which the money shall not be made for want of sufficient property, whereon to levy execution, action on the case may be maintained against said trustees, jointly and severally, and the amount not collected on said judgment shall be recovered with costs of suit from such trustees: *Provided*, that if said trustees can show, satisfactorily, that the security taken from the treasurer as aforesaid, was at the time of said taking, good and sufficient, they shall not be liable as aforesaid.

§ 8. The real estate of county superintendents, of township treasurers and all other school officers, and of the securities of each of them shall be bound for the satisfaction and payment of all claims and demands against said superintendents and treasurers, and other school officers, as such, from the date of issuing process against them, in actions or suits brought to recover such claims or demands until satisfaction thereof be obtained; and no sale or alienation of real estate, by any superintendent, treasurer or other officer or security aforesaid, shall defeat the lien created by this section, but all and singular such real estate held, owned or claimed, as aforesaid, shall be liable to be sold in satisfaction of any judgment which may be obtained in such actions or suits.

§ 9. Trustees of schools, or either of them, failing or refusing to make returns of children in their township according to the provisions of this act, or if either of them shall knowingly make a false return, the party so offending shall be liable to a penalty of not less than ten (10) dollars nor more than one hundred (100) dollars, to be recovered by an action of assumpsit, before any justice of the peace of the county; which penalty, when collected shall be added to the township school fund of the township in which said trustees reside.

§ 10. If any county superintendent, director or trustee or either of them, or other officer whose duty it is, shall negligently or wilfully fail or refuse to make, furnish or communicate the statistics and information or shall fail to discharge the duties enjoined upon them or either of them at the time and in the manner required by the provisions of this act, such delinquent or party offending, shall be liable to a fine of not less than twenty-five (25) dollars, to be recovered before any justice of

the peace at the suit of any person, on information, in the name of the People of the State of Illinois and when collected, the said fine shall be paid to the county superintendent of the proper county for the use of the school fund.

§ 11. County superintendents, trustees of schools, directors and township treasurers, or either of them, or any other officer having charge of school funds or property, shall be pecuniarily responsible for all losses sustained by any county, township or school fund, by reason of any failure on his or their part to perform the duties required of him or them by the provisions of this act; or by any rule or regulation authorized to be made by the provisions of this act; and each and every one of the officers aforesaid shall be liable for any such loss sustained as aforesaid, and the amount of such loss may be recovered in a civil action brought in any court having jurisdiction thereof, at the suit of the state of Illinois, for the use of the county, township or fund injured; the amount of the judgment obtained in such suit shall, when collected, be paid to the proper officer for the benefit of the said county, township or fund injured.

§ 12. No county, city, town, township, school district or other public corporation shall ever make any appropriation, or pay from any school fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution controlled by any church or sectarian denomination whatever; nor shall any grant or donation of money, or other personal property, ever be made by any such corporation to any church or for any sectarian purpose; and any officer or other person having under his charge or direction school funds or property, who shall pervert the same in the manner forbidden in this section, shall be liable to indictment, and upon conviction thereof, shall be fined in a sum not less than double the value of the property so perverted, and imprisoned in the county jail not less than one (1) nor more than twelve (12) months, at the discretion of the court.

§ 13. No teacher, state, county, township or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture used, or to be used, in any school in this State, with which such officer or teacher may be connected; and for offending against the provisions of this section such teacher, state, county, township or district school officer shall be liable to indictment, and upon conviction shall be fined in a sum not less than twenty-five (25) dollars, nor more than five hundred (500) dollars and may be imprisoned in the county jail not less than one (1) month, nor more than twelve (12) months, at the discretion of the court.

§ 14. Any school officer or officers, or any other person, who shall exclude or aid in the exclusion from the public schools

of any child who is entitled to the benefits of such school, on account of such child's color, shall be fined, upon conviction, in any sum not less than five (5) dollars nor more than one (100) dollars each, for every such offense.

## ARTICLE XVI.

### MISCELLANEOUS.

SECTION 1. No justice of the peace, constable, clerk of any court, sheriff or coroner shall charge any costs in any suit where any school officer, school corporation or any agent of any school fund, suing for the recovery of the same, or any interest due thereon, is plaintiff and shall be unsuccessful in such suit; nor where the costs cannot be recovered from the defendant by reason of the insolvency of such defendant.

§ 2. Any woman, married or single, of the age of twenty-one years and upwards, and possessing the qualifications prescribed for the office, shall be eligible to any office under the general or special school laws of this State.

§ 3. Any woman elected or appointed to any office under the provisions of this act, before she enters upon the discharge of the duties of the office, shall qualify and give the bond required by law, if a bond is required, and such bond shall be binding upon her and her securities.

§ 4. All boards of school directors, boards of education, or school officers, whose duty it now is, or may be hereafter, to provide in their respective jurisdictions, schools for the education of all children between the ages of six and twenty-one years, are prohibited from the excluding, directly or indirectly, any such child from such school on account of the color of such child.

§ 5. Any person who shall, by threats, menace or intimidation, prevent any child entitled to attend a public school in this State from attending such school, shall, upon conviction be fined in any sum not exceeding twenty-five (25) dollars.

§ 6. It shall be the duty of the county treasurers, county superintendents of schools, township collectors, and all other persons paying money into hands of township school treasurers, for school purposes, on or before the 30th day of September of each year, to notify in writing the presidents of boards of school trustees, and the clerks of the boards of school directors, of the amount paid into the township treasurer's hands, and the date of payment.

§ 7. This act shall not be so construed as to repeal or change, in any respect, any special acts in relation to schools in cities having less than one hundred thousand inhabitants, or incorporated towns, townships or districts, except that it shall be the duty of the several boards of education, or other officers of any city or incorporated town, township or district, having in charge schools under the provisions of any of said special acts, or of any ordinance of any city or incorporated town, on or before the fifteenth day of July preceding each regular session of the general assembly of this State, or annually, if required so to do by the State Superintendent of Public Instruction, to make out and render a statement of all such statistics and other information in regard to schools and the enumeration of persons, as is required to be communicated by township boards of trustees or directors, under the provisions of this act, or so much thereof as may be applicable to said city or incorporated town, to the county superintendent of the county where such city or incorporated town is situated, or of the county in which the larger part of such city or incorporated town is situated; nor shall it be lawful for the county superintendent, or any other officer or person, to pay over any portion of the common school fund to any local treasurer, school agent, clerk, board of education, or other officer or person, of any township, city or incorporated town, unless a report of the number of persons, and other statistics relative to schools, and a statement of such other information as is required by the board of trustees or directors, as aforesaid, and of other school officers and teachers, under the provisions of this act, shall have been filed at the time or times aforesaid, specified in this section, with the superintendent of the proper county, as aforesaid.

§ 8. It shall be the duty of the president, principal or other proper officer of every organized university, college, seminary, academy, or other literary institution, heretofore incorporated, or hereafter to be incorporated in this State, to make out, or cause to be made out, and forwarded to the office of the State Superintendent of Public Instruction, on or before the first day of August in each year, a report setting forth the amount and estimated value of real estate owned by the corporation, the amount of other funds and endowments, and the yearly income from all sources; the number of instructors, the number of students in the different classes, the studies pursued and the books used; the course of instruction, the terms of tuition, and such other matters as may be specially requested by said superintendent, or as may be deemed proper by the president or principal of such institution to enable the Superintendent of Public Instruction to lay before the legislature a fair and full exhibit of the affairs and conditions of said institutions, and of the educational resources of the State.

§ 9. If judgment shall be obtained against any township board of trustees or school directors, the party entitled to the benefit of such judgment may have execution therefor, as follows, to-wit: It shall be lawful for the court in which such judgment shall be obtained, or to which such judgment may be removed by transcript or appeal from a justice of the peace, or other court, to issue thence a writ, commanding the directors, trustees and treasurer of such township, to cause the amount thereof, with interest and costs, to be paid to the party entitled to the benefit of such judgment, out of any moneys unappropriated of said township or district, or if there be no such moneys, out of the first moneys applicable to the payment of the kind of services or indebtedness for which such judgment shall be obtained, which shall be received for the use of such township or district, and to enforce obedience to such writ by attachment, or by mandamus, requiring such board to levy a tax for the payment of such judgment; and all legal processes, as well as writs to enforce payment, shall be served either on the president or clerk of the board.

§ 10. Trustees of schools, school directors, members of boards of education, or other school officers performing like duties, shall receive no pecuniary compensation, but they shall be exempt from road labor and from military duty during their term of office.

§ 11. All school officers elected in pursuance of any general law now in force shall hold their respective offices until their successors are elected and qualified under the provisions of this act.

§ 12. "An act to establish and maintain a system of free schools," approved April 1, 1872; "An act to protect colored children in their rights to attend public schools," approved March 24, 1874; "An act to amend section fifty (50) of an act entitled 'An act to establish and maintain a system of free schools,' approved April 1, 1872," approved March 30, 1874; "An act to amend sections 24 and 33 of an act entitled 'An act to establish and maintain a system of free schools,' approved April 1, 1872," approved May 23, 1877; "An act to amend section 47 of 'An act to establish and maintain a system of free schools,' approved April 1, 1872," approved May 11, 1877; "An act regulating the renting and sale of school lands," approved May 25, 1877; "An act to amend section 33 of an act entitled 'An act to amend sections 24 and 33 of an act entitled 'An act to establish and maintain a system of free schools, approved April 1, 1872,' approved May 23, 1877, in force July 1, 1877;" approved May 31, 1879; "An act to amend an act entitled 'An act to establish and maintain a system of free schools,' approved April 1, 1872; and section forty-seven (47) of said act as amended by an act approved

May 11, 1877," approved June 3, 1879; "An act to amend sections eleven (11), twenty-seven (27), thirty-three (33), thirty-four (34), forty-eight (48), fifty-three (53), fifty-four (54), and fifty-seven (57) of an act entitled 'An act to establish and maintain a system of free schools,' approved April 1, 1872, and in force July 1, 1872, and amended by an act approved June 3, 1879, and in force July 1, 1879," approved May 31, 1881; "An act to amend section fifty-one (51) of an act entitled 'An act to establish and maintain a system of free schools,' approved April 1, 1872, in force July 1, 1872, and amended by an act approved June 3, 1879, in force July 1, 1879," approved June 23, 1883; "An act regulating the loaning of school funds," approved and in force March 20, 1883; "An act to amend sections thirteen (13), twenty (20) and seventy-one (71) of an act entitled 'An act to establish and maintain a system of free schools,' approved April 1, 1872, and in force July 1, 1872, and amended by an act approved June 3, 1879," approved June 26, 1885; "An act to amend sections fifty-seven (57) and fifty-eight (58) of an act entitled 'An act to establish and maintain a system of free schools,' approved April 1, 1872, and amended by an act approved April 1, 1872, and amended by an act approved June 3, 1879, and in force July 1, 1879, and further amended by an act approved May 31, 1881, and in force July 1, 1881," approved June 30, 1885; "An act to amend section one (1) of an act entitled 'An act regulating the renting and sale of school lands,' approved May 25, 1877, in force July 1, 1877," approved June 29, 1885; "An act to amend section thirty-three (33) of an act entitled 'An act to establish and maintain a system of free schools,' approved April 1, 1872, in force July 1, 1872, as amended by an act approved May 23, 1877, in force July 1, 1877, as amended by act approved June 3, 1879, in force July 1, 1879, as amended by act approved May 31, 1881, in force July 1, 1881," approved June 4, 1887; "An act to provide for the election of presidents of boards of education in school districts," approved June 17, 1887; "An Act to empower trustees of schools to lay out and dedicate common school lands for street and highway purposes," approved June 3, 1887; "An act to regulate the attendance of teachers upon teachers' institutes," approved June 14, 1887; "An act to empower township trustees to sell and convey right of way and depot grounds for the use of railroads crossing school lands," approved April 13, 1875; "An act to regulate the payment of moneys into the hands of township school treasurers," approved May 30, 1881; and all other acts and parts of acts inconsistent with this act, and all general school laws of this state, are hereby repealed.

§ 13. Whereas, an emergency exists, requiring this act to take immediate effect: *Therefore, be it enacted* that this act shall take effect from and after its passage.

Approved May 21, 1889.

## REVISION AMENDED.

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| § 1. Amends section 1, article 5, of the revision, by striking out "two thousand inhabitants" and inserting "one thousand inhabitants." | § 2. Emergency. |
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AN ACT *to amend an act entitled "An act to establish and maintain a system of free schools," approved May 21, 1889, and in force May 21, 1889.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one (1), article five (5) of an act entitled "An act to establish and maintain a system of free schools," approved May 21, 1889, and in force May 21, 1889, be amended so as to read as follows:

SECTION 1. In all school districts having a population of less than one thousand inhabitants, and not governed by any special act in relation to free schools now in force, there shall be elected in the manner hereinafter provided for, a board of directors, to consist of three members.

§ 2. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage.

APPROVED June 1, 1889.

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STUDY OF THE NATURE AND EFFECTS OF STIMULANTS AND NARCOTICS.

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| § 1. Instruction in physiology and hygiene with reference to the effects of alcoholic beverages, stimulants and narcotics on the human system. | § 2. Certificates shall not be granted to teachers who do not pass satisfactory examinations in this science. |
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AN ACT *relating to the study of physiology and hygiene in the public schools.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the proper legal school authorities shall have power, and it shall be their duty, to have all pupils of suitable age in schools of Illinois supported by public money, or under state control, instructed

in physiology and hygiene, with special reference to the effects of alcoholic beverages, stimulants and narcotics on the human system.

§ 2. No certificate shall be granted to any person to teach in the public schools of Illinois after July, 1890, who has not passed a satisfactory examination in physiology and hygiene with special reference to the effects of alcoholic beverages, stimulants and narcotics on the human system.

APPROVED June 1, 1889.

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## SOLDIERS' AND SAILORS' HOMES.

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### ADMISSION OF MEMBERS.

§ 1. Amends section 18, act of 1885, by requiring the trustees to furnish free transportation to successful applicants for admission to the home.

*AN ACT to amend section 18, of an act entitled "An act to establish and maintain a soldiers' and sailors' home in the state of Illinois, and making an appropriation for the purchase of land and the construction of the necessary buildings," approved June 26, 1885, in force July 1, 1885.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 18 of an act entitled "An act to establish and maintain a soldiers' and sailors' home in the state of Illinois and making an appropriation for the purchase of lands and the construction of the necessary buildings," approved June 26, 1885, in force July 1, 1885, be amended so as to read as follows:

Section 18. Said trustees shall have the power, and it shall be their duty to make such reasonable rules and regulations governing the admission, maintenance and discharge of inmates of said home, as shall not be inconsistent with the spirit and provisions of this act and of the act herein referred to, and that whenever an applicant is admitted, it shall be the duty of said trustees to notify said applicant so admitted, and shall with such notice transmit to said applicant transportation tickets from his nearest railroad station to said home without cost to him.

APPROVED June 1, 1889.



MONEY APPROPRIATED BY THE UNITED STATES IN AID OF STATE  
HOMES.

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| § 1. State Treasurer authorized to receive money from the United States, appropriated in aid of state homes for destitute soldiers. | § 2. How held and accounted for by the Treasurer.<br><br>§ 3. Emergency. |
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*AN ACT to authorize the Treasurer of the state of Illinois to receive certain moneys from the United States.*

WHEREAS, By an act of congress entitled "An act to provide aid to state or territorial homes, for the support of disabled soldiers and sailors of the United States," approved August 27, 1888; it was provided "That all states or territories which have established, or which shall hereafter establish, state homes for disabled soldiers and sailors of the United States, who served in the war of the rebellion, or in any previous war, who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, provided such disability was not incurred in service against the United States, shall be paid for every such disabled soldier or sailor, who may be admitted and cared for in such home, at the rate of one hundred dollars per annum," and that the payment of the money appropriated by said act should be made "to the officers of the respective states or territories entitled, duly authorized to receive such payments," and whereas, the state of Illinois has heretofore established such a home as is contemplated by said act, now therefore;

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the Treasurer of the state of Illinois be, and is hereby authorized to receive from the United States all money which may be now coming or which shall hereafter accrue to the said State under and by virtue of the provisions of "An act of the congress of the United States of America, entitled 'An act to provide aid to states and territorial homes for the support of disabled soldiers and sailors of the United States,'" approved August 27, 1887.

§ 2. The money so received from the United States shall be held and accounted for by the said Treasurer as is other money in his hands belonging to the state of Illinois.

§ 3. Whereas, it is necessary that an officer of the state of Illinois be at once duly authorized to receive said money from the United States, therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED April 18, 1889.

## SOLDIERS' MEMORIAL HALL.

## DEARBORN PARK, CHICAGO.

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| <p>§ 1. Soldiers' home of Chicago authorized to erect a memorial hall building on the N. <math>\frac{1}{4}</math> of Dearborn park, Chicago.</p> <p>§ 2. Objects and use of building; management.</p> <p>§ 3. Principal hall of said building, use, occupation and management.</p> | <p>§ 4. Use and occupation of portions of said building by the Chicago public library; transfer of said memorial hall building under certain conditions and upon certain terms.</p> |
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*AN ACT to authorize the Soldiers' Home in Chicago to erect and maintain a soldiers' memorial hall on the north one-quarter of Dearborn park in the city of Chicago.*

WHEREAS, in the original subdivision of a tract of land in the western part of the southwest fractional quarter of section ten (10), township thirty-nine (39), north range fourteen (14), east of the third principal meridian, as subdivided and platted under authority of the secretary of war, in the year eighteen hundred and thirty-nine, a square or tract of land in said subdivision, a part of which is known as Dearborn park, was set aside for park purposes and so dedicated by the general government; and

WHEREAS, the circumstances under which said dedication was made no longer exist; so that park can be used or utilized for the purposes for which said dedication was made; the growth and development of business having now rendered it worthless for such purposes: therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Soldiers' Home in Chicago, a corporation incorporated under and by virtue of a special act of the legislature of the state of Illinois, approved and in force February 28, 1867, be and the said corporation hereby is authorized and empowered to erect and maintain on the north one-quarter of a piece of ground now known as Dearborn park in that part of the city of Chicago known as Fort Dearborn addition to Chicago, and bounded on the north by the south line of Randolph street, on the east by the west line of Michigan avenue, on the south by the north line of Washington street, and on the west by the east line of an alley known as Dearborn place, a soldier's memorial hall building to commemorate the virtues, sufferings and sacrifices of the soldiers and sailors of the state of Illinois in the late civil war, and for the uses hereinafter set forth.

§ 2. Said memorial hall building when erected shall be used under the direction and control, of the managers of the said Soldiers' Home in Chicago, by all non-political organizations of the United States soldiers and sailors of the late civil war, for all purposes not inconsistent with such organizations without charge, but no part thereof shall be rented by said Soldiers' Home in Chicago for pecuniary profit, except for such charitable objects as are provided for in its charter, and the care, maintenance and protection of said building.

§ 3. The main or principal hall of such memorial building shall be a public hall, in which non-political public meetings may be held under the direction and control of the directors of the said Soldiers' Home, and the sanction and approval of the mayor and common council of the city of Chicago: *Provided, however,* such public meeting shall not interfere with the use of said hall by any of the before mentioned organizations in the manner contemplated by this act.

§ 4. The directors of the Chicago public library shall have the privilege of storing and keeping in such unoccupied portions of said memorial hall building as may not be required for other purposes, all such maps, charts, books, periodicals, papers and other literature relating to the late civil war and military history of this country, as they may desire. At the expiration of fifty years from the completion of said memorial hall building and at any time after the expiration of that period, the directors of the Soldiers' Home in Chicago, at their option, by a two-thirds vote of all their members, may turn over, transfer and convey to the directors of the Chicago public library all the right, title and interest of the Soldiers' Home in Chicago, in and to the said memorial hall building and grounds, and the said directors of the Chicago public library in such case are hereby authorized and empowered to receive, accept, hold and maintain the same in perpetuity: *Provided, however,* said building shall never be deprived of its distinctive character as a soldiers' memorial hall, or be used by the directors of the Chicago public library or any other person to the exclusion of any of the non-political organizations of the soldiers and sailors of the late civil war.

APPROVED June 4, 1889.

## STATE CONTRACTS.

## PRINTING AND BINDING.

## PRINTING.

1. Amends sections 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, act of 1874.

Sec. 7. Amended by empowering the board of state contracts to avoid or suspend a contract on account of fraud or conspiracy; new contracts.

Sec. 12. Amended by reducing the classes of printing from six to four and defining the classes.

Sec. 13. Amended by defining how and when the printing shall be done, and how much paper shall be delivered and how.

Sec. 14. Amended by changing the form and manner of making bids.

Sec. 15. Amended by further defining the printing that may be ordered by either house of the general assembly without the concurrence of the other.

Sec. 16. Amended by reducing the maximum rates to be paid for composition.

Sec. 17. Amended by providing for the appointment of a proof reader for work in the first class.

Sec. 18. Amended by defining the type to be used in the second class, and the size of the page and the style in which the form shall be made up.

Sec. 19. Amended by defining the kind of type, style of form, and how measured.

Sec. 20. Amended by defining how the work shall be executed; provides for the appointment of a copy holder for printer expert.

## BINDING.

- § 2. Amends section 37, 38 and 39, act of 1874.

Sec. 37. Defines the five classes of binding and requires that the five classes shall be let as one contract.

Sec. 38. Fixes the maximum prices to be paid for binding.

Sec. 39. Style of binding of the different volumes published.

AN ACT to amend sections 7, 12, 13, 14, 15, 16, 17, 18, 19, and 20, and sections 37, 38 and 39, of an act entitled "An act to revise the law in relation to state contracts," approved March 31, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 7, 12, 13, 14, 15, 16, 17, 18, 19 and 20, and sections 37, 38 and 39, of an act entitled "An act to revise the law in relation to state contracts," approved March 31, 1874, be and the same are hereby amended so as to read as follows:

Section 7. If any contractor shall fail, in whole or in part, to fulfill his contract, the commissioners may cancel such con-

tract, and having done so, shall notify him in writing, specifying their reasons for so doing. And the commissioners of state contracts are hereby given power and authority, with the approval of the Governor, to suspend, declare void, or cancel any state contracts entered into by them, whenever they or a majority of them are of opinion that such contract was obtained by fraud, conspiracy, or any unlawful means, and whenever any contract is so held to be void, suspended or canceled, or any investigation thereof is being had by the legislature, or either house thereof, or by said commissioners of state contracts, then and in such case said board of commissioners is hereby given power and authority in their discretion to enter into and carry out any new contract or contracts in such manner as they may deem for the best interests of the State.

Section 12. The printing of the State shall be divided into four classes, to be let in separate contracts, as follows:

First—The printing, folding, stitching and trimming of the bills and resolutions for the consideration of the general assembly, shall constitute the first class.

Second—The printing of the journals of the senate and of the house of representatives, the laws and joint resolutions passed by the general assembly, the reports of the state officers, state boards, state institutions, and all other reports required to be made to the Governor, or to the general assembly; also all pamphlet work, including briefs, circulars, synopsis, and other similar work required to be printed upon book paper; the copy for which will make more than four numbered pages, and which is required to be printed in long primer or nonpareil type and in a page of the size prescribed in section 18 of this act, shall constitute the second class.

Third—The printing, stitching, ruling, lining, indexing and binding of election registers, shall constitute the third class.

Fourth—All printing, the character of which is not specially defined in the first, second or third classes, and all ruling and padding required to be done by the State, shall be assigned to and constitute the fourth class, and proposals for doing the printing in this class shall also embrace proposals for doing the ruling and padding.

Section 13. The printing shall be done under the general supervision and direction of the commissioners of state contracts and the printer expert within this State; and the first and fourth classes entire with the reports, communications and documents and the volumes of reports and all other matter in class 2 shall be printed at the state capital, except that the journals of the senate and house of representative and joint resolutions in such class 2, and with all of class 3 may be printed elsewhere within the State. All printing shall be delivered at the expense of the

contractor, at the state house, to the order of the Secretary of State. At the close of the fiscal year in each biennial period the commissioners of state contracts shall designate what reports shall have precedence in the order of printing. The Secretary of State shall deliver to the contractor for the various classes of printing the paper required to execute the work, as provided in section 24 of this act, but the contractor shall pay the cost of transportation of same to place where printing is done. For the fourth class of printing, the Secretary of State shall transmit to the printer the exact quantity of paper required to print each job ordered, cut to the size required, with the order for the printing of the same.

Section 14. Bids for the first class shall state the price per one thousand ems of composition, the price per hundred impressions of press work, and the price per one hundred pages for folding, stitching and trimming, for which the bidder will do the work of that class. All composition shall be measured as plain work of this class, and no extra allowed on account of a variance from plain composition.

Bids for the second class shall state the price per one thousand ems of plain composition, the price per one thousand ems of rule and figure work, and the price per one hundred impressions of press work, for which the bidder will do the work of that class. Rule and figure in this class shall consist of two or more columns of figures and words, or figures or words, with rules separating the columns; but matter requiring four or more "justifications" may be estimated at the price paid for rule and figure work. All composition not coming within the foregoing specific definitions shall be measured as plain composition, and no extra shall be allowed for such work above the contract rate.

Bids for the third class shall state the sum for which the bidder will furnish, complete, each election register required.

Bids for the fourth class shall state the price per one thousand ems of composition, and the price per one hundred impressions of press work, for which the bidder will do the work of that class. All composition shall be measured as plain work in this class, and no extra allowed on account of rule and figure or figure work, or other variance from plain composition. Bids for doing the work of this class shall also state the price per one hundred sheets for ruling, and the price per one hundred sheets for padding.

Section 15. All orders for printing required by the general assembly, in addition to that authorized by this or some other act not in conflict herewith, shall be by joint resolution: *Provided*, that either house may order printed any bills, blanks, rules, calendars, cards, synopsis of bills, reports of committees,

communications, or the daily journal of proceedings, without the concurrence of the other branch of the general assembly.

Section 16. The highest prices that may be paid for work in the first, second, third and fourth classes of printing, under this act, shall be as follows, viz.:

First class—Forty cents for each one thousand ems of composition. For folding, stitching and trimming bills and joint resolutions, three cents per one hundred pages, aggregate count.

Second class—Eighty cents for each one thousand ems of rule and figure work, and forty cents for each one thousand ems of plain or other grade of composition.

Third class—For printing, stitching, ruling, binding, lining, and indexing each election register, eight cents.

Fourth class—Forty cents for each one thousand ems of composition, without distinction of grade. For ruling, ten cents per one hundred sheets each time the sheet necessarily passes through the ruling machine. For padding, six cents for each pad, any size or number of sheets.

Presswork—Fifteen cents for each one hundred impressions of presswork, in the first, second and fourth classes: *Provided*, that any number of impressions less than one hundred on any form shall be counted as one hundred.

Section 17. The type used in doing work of the first class shall be small pica, composed in a measure six inches wide, and made up into pages ten and one-half inches long, or so as to contain 3,000 ems, as nearly as may be. Between the lines there shall be a space not exceeding a pica slug; but if any matter should properly be set solid, the printer expert may so decide and direct. In computing composition in this class, the type shall be measured as if it had been set solid; and necessary fractions of pages may be counted as full pages, but no blank pages shall be charged for. In estimating presswork in this class, four pages shall be considered a form: *Provided*, that any number of pages fewer than four shall be considered a form when the copy of any job done in this class is not sufficient to make four pages, or shall make one or more full forms and a fractional part of another form. During the session of the general assembly, the printer expert shall appoint a skilled and competent person to read the proof of work in this class, which bill proof reader shall receive the sum of three dollars per day for actual services, to be paid out of any funds not otherwise appropriated, on the certificate of the printer expert. The contractor shall furnish said proof reader with suitable office room, and shall also provide, at the contractor's expense, an acceptable copy-holder to assist said proof reader.

Section 18. The type used in doing work of the second class shall be long primer for the text, brevier for extracts, quoted matter, correspondence and resolutions, and nonpareil for tabular work and exhibits—the type to be good, of a uniform face, and satisfactory to the printer expert. It must be made up into medium octavo pages, twenty-six ems pica in width and forty-six ems pica in length, and set solid, except as hereinafter provided. Exhibits, tabular statements, or illustrations which cannot be brought within the limits of the page herein prescribed shall be printed on a separate sheet as an inset, each one counting as a form, and shall be inserted by the contractor for binding in the book in which the same shall belong. All documents, communications, or any pamphlet work required to be made up into numbered pages, the copy for which will make more than four pages, shall belong to and be printed by the contractor for the second class, and the printer expert may, in his discretion, have such work leaded or slugged, as the case may require; but the volumes of laws, journals, and reports of state officers and state boards shall be set solid, under the instruction of the printer expert, without the intervention of unnecessary leads or slugs. In the printed journal of each house of the general assembly, each division list of the yeas and nays shall be set in nonpareil type, in five columns, in alphabetical order. When two or more surnames are alike, they shall be distinguished in the list by the addition of the christian name or initials. In estimating presswork in the second class, sixteen pages shall be counted a form if there be enough matter in consecutive order to make sixteen pages; but if any document make less than sixteen pages, or if for good reason it becomes necessary to print any part of any document in a smaller form, it shall be counted as a form. The printer expert shall give general directions, for the making up of matter in all classes, so as to avoid unnecessary charges for composition or presswork, and the contractor shall observe such directions. Composition shall not be allowed for blank pages, but a necessary fractional page may be measured as a full page.

Section 19. Composition in the fourth class shall be estimated as follows, viz: All work set in pica type, or all type larger than pica, wherever used, shall be measured as pica: *Provided*, that a display heading or sub-heading in a job, may be measured as the kind of type which predominates in the job. When any job is set in type smaller than pica, or when two or more sizes of type are required to be used in the body of the same job, such job shall be estimated by measuring each kind of type so used. All jobs shall be measured by the surface actually printed over, and not by the size of the sheet used. If matter is to appear in form of pages, only the actual composition shall be measured or allowed. Composition shall not be allowed for



blank pages, but a necessary fractional page may be measured as a full page. Wherever blank space is required to be left between lines in a job such space shall be measured as though set in the size type which predominates in the job. No form shall be measured at less than one thousand ems. When copy for any job is furnished the contractor, the printer expert may, in his discretion, designate the kind of type to be used in setting the same, and the contractor shall follow such instructions. Presswork in the fourth class shall be estimated as follows, viz.: A form shall consist of whatever printing appears on the surface of the paper as furnished for the job. If the job is printed on both sides of the sheet, two forms shall be allowed. If any job is to be printed in the form of pages, a form shall consist of the number of pages that the paper furnished for the job will admit of printing.

Section 20. The contractor for all printing under this act shall execute as promptly as the commissioners of state contracts may require, and in a manner acceptable to said commissioners and the printer expert, all orders for printing issued to him. It shall be incumbent on the contractor for any class of printing to provide such material and appliances as are considered necessary by the printer expert for the prompt and workmanlike execution of the work, and the best quality of book ink shall be used in the presswork. The contractor for work in the second and fourth classes shall read and correct the first proof of all work done by him, and see that the same is reasonably free from errors, properly made up, uniform in style, punctuation and capitalization, and conformable to copy furnished. A second proof shall then be sent to the printer expert, who shall read the same in connection with some person, who may be appointed by the printer expert for that purpose, and whose compensation shall not exceed the sum of three dollars per day for actual services. If additions or changes from copy be made in the second proof, the printer expert shall designate the same, and the contractor shall promptly correct such proof and return it to the printer expert with a revise if required; and for making such changes the contractor shall be allowed such sum (to be estimated at forty cents per hour) as the printer expert may certify to the commissioners of state contracts is equitable. If any job is rejected on account of error attributable to the contractor, he shall promptly reprint the job without additional charge.

#### BINDING.

§ 2. That sections 37, 38 and 39 of the act herein mentioned be amended so as to read as follows, to-wit:

Section 37. The binding for the state shall be divided into five classes, to be let in one contract, as follows, viz.:

First—The folding, sewing with two twines and trimming of the laws, journals and volumes of reports, and the binding

thereof in leather backs and substantial pasteboard sides, covered with blue paper, and any required title stamped in gold on the backs, shall constitute the first class.

Second—The folding, sewing with two twines and trimming of the laws and journals, and the binding thereof in law-sheep backs and corners and No. 20 tar-board sides, covered with good American comb-marble paper, and any required title stamped in gold on the backs, shall constitute the second class.

Third—The folding, sewing with two twines and trimming of the reports of the executive departments and public institutions, and the binding thereof in English cloth and binders' or cloth-board sides, with title and any required ornament embossed in gold on the backs and blank fillets on the sides, shall constitute the third class.

Fourth—The folding, stitching with four holes and trimming of reports to the general assembly, or either house thereof, and other documents, and the binding of said reports in paper covers, with the title page printed thereon, shall constitute the fourth class.

Fifth—In this class shall be included the printing and binding of all ledgers, journals, cash books, warrant books, invoice books, fee books, or blank books of whatsoever size or style required by any of the state departments; also, all binding that may be required by the library commissioners from time to time; also, the tipping in of maps, plates, exhibits, and similar work; also, all other binding or work usually performed in a bindery, required by the several departments of state, and not specifically described in the preceding classes or in sections 14 or 16 of this act. The Secretary of State shall be prepared to exhibit in his office fair samples of the various articles and styles of binding for which bids are solicited in this clause; and the commissioners of state contracts shall fix a maximum price for each article where the same is not fixed by this act, which price shall be the fair cash value of the work to be done. Persons who bid for classes one, two, three and four shall also bid for class five, and the five classes of binding shall be let in one contract to the lowest bidder in the aggregate.

Section 38. The highest prices that may be paid for binding, under this act, shall be as follows, viz.:

For the first class, per volume, twenty cents, irrespective of number of pages.

For the second class, per volume, thirty-five cents, irrespective of number of pages.

For the third class, per volume, twenty cents, irrespective of number of pages.

For the fourth class, per one hundred pages, two cents aggregate count.

Section 39. Of the number of laws, journals and volumes of reports required to be printed, four thousand copies of the laws and six hundred copies of the journals and five hundred copies of the volumes of reports shall be bound in the second class of binding, as described in section 37 of this act; and of the number of reports required to be printed, three thousand copies each of that of the Superintendent of Public Instruction, and the railroad and warehouse commission; two thousand copies, each, of the state board of public charities, university of Illinois, state board of health, and bureau of labor statistics, one thousand copies, each, of the Auditor of State, Secretary of State, and other state officers, state boards, and insurance reports; and ten thousand copies of the report of the state board of agriculture, shall be bound in the third class of binding, as described in section 37 of this act. The laws, journals and volumes of reports, except as hereinbefore provided in this section, shall be bound in the first class of binding, as described in section 37 of this act; the reports except as hereinbefore provided in this section, shall be bound in the fourth class of binding, as described in section 37 of this act.

APPROVED June 6, 1889.

## TOWNSHIPS.

### BOND FUND.

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| § 1. Balances in the hands of county treasurers, payable to supervisors. | § 3. When funds are set apart for road and bridge purposes payable to highway commissioners. |
| § 2. Application of such surplus funds.                                  | § 4. Emergency.  |

*AN ACT making provision for the refunding of surplus funds that now are, or hereafter may be, in the hands of the county collectors of taxes or county treasurers, to the credit of the bond fund of townships when such bonds have been fully paid and canceled.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That whenever all the bonds of any township shall have been fully paid and canceled and there remains in the hands of the county collector of*

taxes or county treasurer after said payment, any balance to the credit of the bond fund of such township, it shall be the duty of any such county collector of taxes or county treasurer, and he is hereby authorized to pay to the supervisor of such township the balance of such fund in his hands, taking a receipt of such supervisor therefor.

§ 2. Such funds, when paid to the supervisor of any such town, may be appropriated and expended for defraying the general charges and expenses of such town; for laying out, making and repairing the roads and bridges of said town, the purchase of materials, implements and machinery therefor, and for the payment of any outstanding orders, in such manner and proportions as the legal voters of such town may determine at their annual or special town meeting duly called for such purpose.

§ 3. Whenever the legal voters of any town, obtaining or receiving surplus funds as mentioned in section one of this act, shall determine at any general or special town meeting that a particular amount or portion of such surplus fund shall be paid to the commissioners of highways of such town for road and bridge purposes, as provided in section two of this act, it shall be the duty of the supervisor of such town to pay such amount to the road commissioners of such town and to take their receipt therefor.

§ 4. Whereas, large sums of money are now idle in many of the county treasuries of this State credited to the bond fund of certain townships which ought to be paid back to the townships to whose credit the same stands, and there is at present no provision of law for such payment, therefore, an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED March 29, 1889.

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## TOWNSHIP ORGANIZATION.

## ELECTIONS, BALLOT BOXES.

§ 1. Amends the act of 1877, by authorizing the city and town ballots to be deposited in the same box.

AN ACT to amend an act approved June 27, 1885, and in [force] July 1, 1885, entitled "An act to amend an act approved and in force March 9, 1877, and which is entitled 'An act to amend section seven of article seven of an act entitled 'An act to revise the law in relation to township organization,' approved and in force March 4, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the act approved June 27, 1885, and in force July 1, 1885, entitled "An act to amend an act approved and in force March 9, 1877, and which is entitled 'An act to amend section seven of article seven of an act entitled 'An act to revise the law in relation to township organization,' approved and in force March 4, 1874, be and the same is hereby amended so that the portion of said act designated therein as section seven shall be further amended so as to read as follows:

Section 7. The town shall supply a suitable ballot box or boxes, to be kept and used in like manner as ballot boxes in other elections. In incorporated towns or incorporated villages whose limits are co-extensive with the limits of a town, or in any organized town where the number of voters at the last preceding general election exceeded four hundred and fifty, the county board may require one or more additional ballot boxes and places for the reception of votes to be provided, which places shall be selected with reference to the convenience of the electors of the town, and the county board in such cases shall designate at which of said polling places the miscellaneous business of the town shall be transacted, and shall appoint three persons in each precinct to serve as judges of election: *Provided, however,* that in towns which lie wholly within the limits of an incorporated city and in any town whose territorial limits are co-extensive with the territorial limits of any incorporated city, village or incorporated town, the common council of such city, or the board of trustees of such incorporated village or town, shall divide such towns into election precincts, and designate the voting place in each precinct, and appoint three judges of

election for each precinct, who may be the same persons as are appointed as judges of election for city, town or village officers, held on the same day; and shall also designate the place where the miscellaneous business of the town shall be transacted. In such towns, it shall be lawful to print or write the names of candidates for city and township officers, on one ballot, and use only one ballot box at each voting place. And in all towns that are thus divided into voting precincts, it shall be the duty of the town clerk, or if there be no town clerk, it shall be the duty of the county clerk to post up, in three of the most public places of the town, a notice of each of the places in the town where the county board, city council or board of trustees has directed and required the election to be held, and of the place designated for the transaction of the miscellaneous business of the town. The town meeting for the transaction of such miscellaneous business in such towns shall be held at the hour of two o'clock in the afternoon of said day. At such meeting a moderator shall be chosen to preside, by the electors present, and the town clerk shall act as clerk of said meeting, and keep a record of the proceedings thereof. The judges of election, in their respective precincts, shall cause two persons having similar qualifications with themselves to act as clerks of such election, and said judges and clerks shall conduct such election as nearly as may be in accordance with the general election laws of this State so far as applicable, except that no registration of voters shall be required; and immediately upon closing the polls, they shall canvass the votes polled in the manner provided in the general election law of the State, and make a written statement or certificate of the number of votes cast at such election for each person voted for, and the office for which such person received such votes, and shall, within forty-eight hours thereafter, cause such certificate and the poll-lists, together with the ballots cast at such election, to be separately sealed up and transmitted to the clerk of the town. The supervisor, together with the assessor and collector, shall, within five days thereafter, meet and canvass said returns and declare the result of said election: *Provided, further*, that this act shall not be construed in any manner to amend, modify or repeal any of the provisions of an act entitled "An act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, nor shall the provisions of this act apply to or affect any city, village or incorporated town that has, by a vote of the electors thereof, adopted the provisions of the act last hereinabove mentioned.

APPROVED May 25, 1889.

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## NEW TOWNS.

- § 1. Amends sec. 1, art. 3, by requiring that one-half of the legal voters of such towns whose boundaries shall be affected by the proposed changes shall petition for the alteration or division of towns; the question may be submitted at any election, notice being given.

AN ACT to amend section one, of article three, of "An act to revise the law in relation to township organization," approved and in force March 4, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one, of article three, of "An act to revise the law in relation to township organization," approved and in force March 4, 1874, be amended so as to read as follows:

Section 1. The county board of each county shall have full and complete power and jurisdiction to alter the boundaries of towns, to change town lines, and to divide, enlarge and create new towns in their respective counties, to suit the convenience of the inhabitants therein, but no new town shall be created, under the provisions of this act, of less territory than ten (10) square miles, nor unless there shall be at least fifty legal voters residing in said new town, nor unless at least one-half of the legal voters of such towns whose boundaries shall be affected by the proposed change or changes shall petition for such alteration or division, nor shall any new town be made, or any town divided, or the boundaries changed by the county board, without notice thereof having been given by posting up notices in not less than five of the most public places of the towns interested, or if several towns are interested, in each of them, at least sixty days before final action of the board, and also by publishing such notices at least three times in some newspaper published in the county wherein said towns are situated, if any shall be published therein: *Provided*, that no incorporated town shall be divided, except consent thereto is given by a majority of all the electors in said town, notice that the question of dividing said town will be submitted to the legal voters thereof having been given by the county clerk at the same time and in the same manner as the notice of said general election.

APPROVED June 4, 1889.

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WAGES.

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## ATTORNEY'S FEE IN SUITS FOR.

§ 1. Provides that in suits to recover wages the court shall give judgment for an attorney's fee; limitation.

*AN ACT providing for attorney's fees when mechanic, artisan, miner, laborer, or servant sues for wages.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever a mechanic, artisan miner, laborer or servant or employé shall have cause to bring suit for his or her wages earned and due, and owing according to the terms of the employment, and he or she shall establish by the decision of the court or jury that the amount for which he or she has brought suit is justly due and owing and that a demand has been made, in writing, at least three days before suit is brought, for a sum not exceeding the amount so found due and owing, then it shall be the duty of the court before which the case shall be tried, to allow to the plaintiff, when the foregoing facts appear, a reasonable attorney fee in addition to the amount found due and owing for wages, and in justice court such attorney's fee shall not be less than \$5.00, and in the county or circuit court, not less than \$10.00, to be taxed as costs of suit.

APPROVED June 1, 1889.

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WEIGHTS AND MEASURES.

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## FLOUR AND CORN MEAL.

§ 1. Amends section 7 of act of 1874 by fixing the weight of wheat flour per barrel and corn meal per bushel.

*AN ACT to amend sections 7 and 8 of chapter 147, entitled "weights and measures," approved February 27, 1874.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 7 and



8 of an act entitled "An act to revise the law in relation to weights and measures," be amended so as to read as follows:

Section 7. Whenever any of the following articles shall be contracted for, or sold, or delivered, and no special contract or agreement shall be made to the contrary, the weight per bushel or barrel, or divisible merchantable quantities of a barrel shall be as follows:

Wheat flour, per barrel.....	196 pounds
Wheat flour, per half barrel.....	98 pounds
Wheat flour, per quarter barrel sack.....	49 pounds
Wheat flour, per eighth barrel sack.....	24½ pounds
Corn meal, per bushel sack.....	48 pounds
Corn meal, per half bushel sack.....	24 pounds
Corn meal, per quarter bushel sack.....	12 pounds
Stone coal, per bushel.....	80 pounds
Unslacked lime, per bushel.....	80 pounds
Corn in the ear, per bushel.....	70 pounds
Wheat, per bushel.....	60 pounds
Irish potatoes, per bushel.....	60 pounds
White beans, per bushel.....	60 pounds
Clover seed, per bushel.....	60 pounds
Onions, per bushel.....	57 pounds
Shelled corn, per bushel.....	56 pounds
Rye, per bushel.....	56 pounds
Flax seed, per bushel.....	56 pounds
Sweet potatoes, per bushel.....	55 pounds
Turnips, per bushel.....	55 pounds
Fine salt, per bushel.....	55 pounds
Buckwheat, per bushel.....	52 pounds
Coarse salt, per bushel.....	50 pounds
Barley, per bushel.....	48 pounds
Castor beans, per bushel ....	46 pounds
Timothy seed, per bushel.....	45 pounds
Hemp seed, per bushel.....	44 pounds
Malt, per bushel.....	38 pounds
Dried peaches, per bushel.....	33 pounds
Oats, per bushel.....	32 pounds
Dried apples, per bushel.....	24 pounds
Bran, per bushel.....	20 pounds
Blue grass seed, per bushel.....	14 pounds
Hair (plastering) per bushel.....	8 pounds

Section 8. Whoever, in buying any of the articles of property mentioned in the preceding section, shall take any greater number of pounds thereof to the bushel, or barrel, or divisible merchantable quantity of a barrel, or in selling any of said articles, shall give any less number of pounds thereof to the bushel or barrel, or divisible merchantable quantity of a barrel

than is allowed by said section, with intent to gain an advantage thereby, except where expressly authorized so to do by special contract or agreement to that effect, shall be liable to the party injured in double the amount of the property so wrongfully taken or not given and \$10, in addition thereto, to be recovered in any form of action, in any court of competent jurisdiction.

APPROVED June 1, 1889.

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## JOINT RESOLUTIONS.

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ADJOURNMENT FEBRUARY 19 TO FEBRUARY 25, 1889.

WHEREAS, The Grand Army of the Republic hold their annual encampment in the city of Springfield on Wednesday and Thursday, February 20 and 21, 1889, and,

WHEREAS, Said body have asked for and obtained for their meeting the hall of the house of representatives, and,

WHEREAS, The Woman's Relief Corps hold their annual meeting in said city on the same dates and have asked for, and received, the senate chamber to hold their meetings in, and,

WHEREAS, The day following their said meetings is the birthday of Washington, the father of our country, therefore be it

*Resolved, by the senate, the house of representatives concurring,* that when the two houses adjourn on Tuesday, February 19, that they each stand adjourned until Monday, February 25, at five o'clock P. M.

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ADJOURNMENT MARCH 28 TO APRIL 3, 1889.

WHEREAS, The genius of our political institutions is that all power is inherent in the People; and

WHEREAS, The annual town elections occur on Tuesday, April 2, next; therefore be it

*Resolved, by the house of representatives, the senate concurring therein,* that when the two houses adjourn on Thursday, March 28, they stand adjourned until Wednesday morning, April 3, 1889.

Adopted by the house March 27, 1889.

Concurred in by the senate March 27, 1889.

## ADJOURNMENT SINE DIE.

*Resolved, by the senate, the house of representatives concurring herein, that when the two houses of the 36th general assembly adjourn on Tuesday, May 28, 1889, they stand adjourned sine die.*

Adopted by the senate, January 18, 1889.

Concurred in by the house, April 26, 1889.

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## BEEF, INSPECTION AND TRANSPORTATION OF.

*Resolved, by the senate, the house of representatives concurring herein, that a joint committee of three from the senate appointed by the president, and five from the house, appointed by the speaker, inquire into and report to the general assembly what action if any shall be taken in reference to the communication from the Governor in reference to the resolution passed by the legislature of Kansas.*

Adopted by the senate, February 8, 1889.

Concurred in by the house, February 28, 1889.

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## BINDING—TWINE, MANUFACTURE OF, IN THE PENITENTIARIES.

WHEREAS, The agricultural interests of this State are embarrassed by the excessive price of binding twine demanded by what is commonly known as the "binding twine trust," therefore be it,

*Resolved, by the senate, the house of representatives concurring herein, that the commissioners of the Joliet and Chester penitentiaries be and they are hereby instructed to make investigation as to the cost of a necessary plant required for the manufacture of binding twine and the probable cost per pound of production after allowing cost of maintaining the convicts employed, in view of the extensive manufacture of binding twine*

to be sold direct to the farmers of this State at cost, and said commissioners are respectfully requested to report the result of such investigation to the senate and house of representatives at an early day.

Adopted by the senate April 4, 1889.

Concurred in by the house April 5, 1889.

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#### BLACK HAWK WAR, PENSIONS FOR SOLDIERS.

WHEREAS, It has been the policy of the government of the United States to grant pensions to those who responded to the call in every war since the foundation of the government; and

WHEREAS, In the year 1832 by the outbreak and rebellion of the Indians in the northwest, known as the Black Hawk war, many patriotic men responded to the call of their country and speedily subdued the hostile Indians, therefore be it

*Resolved*, by the house of representatives, the senate concurring herein, that our senators in congress be instructed and our representatives be requested to use all honorable means to secure the passage of a bill granting a pension of twelve dollars (\$12.) per month to the surviving honorably discharged soldiers (and their widows) who rendered military service in the Black Hawk war, and that the Secretary of State furnish a copy of these resolutions to each of our senators and representatives in congress.

Adopted by the house Jan. 29, 1889.

Concurred in by the senate Mar. 28, 1889.

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#### CANAL, LAKE SUPERIOR AND LAKE MICHIGAN, SURVEY.

*Be it resolved by the senate of the state of Illinois, the house of representatives concurring*, that our senators and representatives in congress be and they are hereby requested

to use their best endeavors to secure such legislation by congress as will result in the making of a survey under the direction of the secretary of war of the United States, for the construction of a ship canal connecting lakes Michigan and Superior commencing at a point on the Little Bay de Hoc, lake Michigan, up the White Fish river to the divide between said lakes, thence down the Au Train river to or near Au Train bay, on lake Superior, thus saving to commerce over five hundred miles in the round trip between Chicago and Duluth, and saving to the general government great expense in naval operations on the upper lakes in case of war.

*Resolved further*, that the Governor be and he hereby is requested to forward copies of the foregoing resolution to our senators and representatives in congress.

Adopted by the senate, April 18, 1889.

Concurred in by the house, April 25, 1889.

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#### ELECTION RETURNS FOR STATE OFFICERS, CANVASS.

*Resolved, by the house of representatives, the senate concurring herein*, That the two houses shall meet in joint session in the hall of the house of representatives, on Thursday, the 10th day of January, A. D. 1889, at the hour of 2 o'clock P. M., for the purpose of canvassing the returns of the election for state officers, held on the sixth day of November, A. D. 1888, as required by the constitution of this State..

Adopted by the house Jan. 10, 1889.

Concurred in by the senate Jan. 10, 1889.

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#### GOVERNOR'S BIENNIAL MESSAGE. PRINTING.

*Resolved, by the house of representatives, the senate concurring herein*, that the Secretary of State be authorized and instructed to order printed 10,000 copies of the Governor's message to the thirty-sixth general assembly, for distribution among the members of the house and senate.

Adopted by the house Jan. 11, 1889.

Concurred in by the senate Jan. 16, 1889.

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GOVERNOR ELECT, INAUGURATION.

*Resolved by the house of representatives, the senate concurring herein*, that the two houses meet in joint session in the house of representatives on the 14th day of January, A. D. 1889, at 11 o'clock A. M., for the purpose of witnessing the inauguration of Governor, Lieut. Governor, and state officers elect of the state of Illinois.

Adopted by the house Jan. 10, 1889.

Concurred in by the senate Jan. 11, 1889.

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## GOVERNOR'S INAUGURAL ADDRESS, PRINTING.

*Resolved by the house of representatives, the senate concurring herein*, That the Secretary of State be, and is hereby authorized to have printed 10,000 copies of Governor Fifer's inaugural address, for distribution among the members of this general assembly.

Adopted by the house Jan. 14, 1889.

Concurred in by the senate Jan. 16, 1889.

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## ROBERT T. LINCOLN, MINISTER TO ENGLAND.

WHEREAS, The pleasing intelligence is transmitted from Washington that the President of the United States has selected for the responsible position of envoy extraordinary and minister plenipotentiary to the court of St. James, the leading diplomatic court in the civilized world, the Honorable Robert Todd Lincoln, a native born Illinoisan, late Secretary of War; therefore, be it

*Resolved, by the senate, the house of representatives concurring herein*, That we, the senators and representatives of the people of Illinois, without respect to any party affiliations, do

most heartily and cheerfully endorse the wise and able selection of Robert Todd Lincoln for minister to England.

*Resolved*, That the Secretary of State be and he is hereby instructed to suitably engross and transmit to the Hon. James G. Blaine, Secretary of State of the federal government, a copy of this preamble and resolution.

Adopted by the senate March 28, 1889.

Concurred in by the house, March 28, 1889.

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HON. ASA C. MATTHEWS FOR COMMISSIONER OF INTERNAL REVENUE.

WHEREAS, The state of Illinois annually pays almost double the amount of internal taxes paid by any other State, and more than one-fifth of the aggregate amount paid by the entire United States; and

WHEREAS, The Hon. Asa C. Mathews, speaker of the house of representatives of the thirty-sixth general assembly, by his exemplary private life, his unquestioned integrity, and his strict devotion to duty in the discharge of every public trust confided to him by our people, is entitled to the well-wishes of every Illinoisan, therefore be it

*Resolved, by the house of representatives of the thirty-sixth general assembly of the state of Illinois, the senate concurring therein*, That our senators and representatives in congress be and are hereby requested to urge the appointment of the Hon. Asa C. Matthews to the position of commissioner of internal revenue under the present administration, in recognition of the great state of Illinois through a compliment worthily bestowed upon one of her most honored sons.

*Resolved, further*, That the clerk of the house and the secretary of the senate be and are hereby directed to transmit to senators Shelby M. Cullom and Charles B. Farwell individual transcripts of these resolutions, requesting that they place the same before the president of the United States.

Adopted by the house March 12, 1889.

Concurred in by the senate March 13, 1889.

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MEMORIAL SERVICES—HONS. ELIJAH M. HAINES AND JOHN J. TEEFEY.

*Resolved, by the house of representatives, the senate concurring,* That a joint session of the two bodies comprising the general assembly be held on Sunday afternoon at 2 o'clock, May 26, in the hall of the house of representatives, to take the form of a memorial service in the honor of Hon. Elijah M. Haines and Hon. John J. Teehey, deceased members of this general assembly; also in honor of deceased members of former general assemblies.

*Resolved,* That a committee, to consist of three members of the house and two members of the senate, to be appointed by the presiding officers of the respective bodies, have charge of the service, and prepare a programme suitable to the occasion.

Adopted by the house, May 22, 1889.

Concurred in by the senate, May 23, 1889.

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#### ILLINOIS MILITARY ACADEMY AT MORGAN PARK.

WHEREAS, The advantage and importance to the State of a thoroughly educated and drilled militia was amply demonstrated during the late war; and,

WHEREAS, The teaching of military science and tactics to the young men of this State will materially aid in the instruction and efficiency of its militia; and,

WHEREAS, The Illinois Military Academy at Morgan's Park is thoroughly organized and equipped for its purpose, and has for its object such instruction in connection with a thorough academic education; therefore be it

*Resolved, by the house of representatives, the senate concurring herein,* that the Governor shall cause an annual inspection to be made of the discipline, courses of study and general management of the institution; and further

*Resolved,* That the graduates of the academy shall be eligible to appointment as brevet second lieutenants in the state troops, and may be commissioned as such, and assigned to companies at the discretion of the Governor, upon the recommendation of the inspecting officer, not to exceed one to each

company; and further, the Governor is authorized to appoint and commission the superintendent as colonel, and the military professor, quartermaster and surgeon each as major in the state troops; and further

*Resolved*, That the Governor is authorized to appoint, each year, one cadet to the Illinois military academy, who shall, if found physically and mentally eligible, be educated by the academy without charge or expense to the said cadet or to the State; and provided always, that nothing in these resolutions shall at any time be construed as involving any liability, pecuniary or otherwise, to the State, or to warrant any appropriation by the State in aid of said institution.

Adopted by the house May 3, 1889.

Concurred in by the senate May 8, 1889.

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#### NORTHWESTERN MILITARY ACADEMY AT HIGHLAND PARK.

WHEREAS, The advantage and importance to the State of a thoroughly educated and drilled militia was amply demonstrated in the late war; and

WHEREAS, The teaching of military science and tactics to the young men of this State will materially aid in the instruction and efficiency of its militia; and

WHEREAS, The northwestern military academy at Highland Park is thoroughly organized and equipped for this purpose, and has for its object such instruction in connection with a thorough academic education; therefore be it

*Resolved, by the house of representatives, the senate concurring herein*, That the Governor shall cause an annual inspection to be made of the discipline, courses of study and general management of the institution; and further

*Resolved*, That the graduates of the academy shall be eligible to appointment as brevet second lieutenants in the Illinois national guard, and may be commissioned as such, and assigned to companies at the discretion of the Governor, upon the recommendation of the inspecting officers, and of the commanding officer of the company to which any graduate may be assigned, not to exceed one to each company, and, further, the Governor is authorized to appoint and commission

the superintendent as colonel, and the military professor, quartermaster and surgeon each as major in the Illinois national guard.

*Resolved*, That the Governor is authorized to appoint each year one cadet to the northwestern military academy, who shall, if found physically eligible, be educated by the academy without charge or expense to the said cadet or to the State: *And, provided always*, that nothing in these resolutions shall at any time be constructed as involving any liability, pecuniary or otherwise, to the State, or to warrant any appropriation by the State in aid of said institution.

Adopted by the house May 10, 1889.

Concurred in by the senate May 13, 1889.

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#### PENITENTIARIES, MANAGEMENT.

WHEREAS, There is a general desire that a reformatory prison be established in the state of Illinois; and,

WHEREAS, The contracts for convict labor will soon expire, and cannot be renewed, and a large number of prisoners will be left without employment, to be supported by the State in idleness and at a great expense, unless some wise and just legislation be enacted; therefore,

*Resolved, by the senate, the house of representatives concurring*, That a committee of five be appointed, three by the speaker of the house and two by the president of the senate, to visit and investigate our own prisons and the prisons and prison systems of other States, and report to the next general assembly, recommending such a law as shall secure to us the best methods for the establishment of a reformatory, and for the general management of our penitentiaries, whenever the present contract system shall expire.

That the members of said committee shall be paid their actual expenses while engaged in such service, out of the fund for committee expenses of the general assembly, on bills of particulars certified to by the chairman of said committee.

Adopted by the senate May 27, 1889.

Concurred in by the house of representatives May 27, 1889.

## PENSIONS TO SOLDIERS OF THE CIVIL WAR.

WHEREAS, For many years a large and respectable class of the veterans of the war of 1861 to 1865, who have been unable to furnish a hospital record or other evidence of disability resulting from their long and faithful service in the cause of their country on the field of battle, many of whom after the lapse of a quarter of a century are needy and unable to obtain the necessaries of life to which as defenders of their country they are entitled and should receive without grudging; and,

WHEREAS, We recognize the fact that under the present administration a more liberal and humane construction is being placed upon the invalid pension laws of the United States, therefore, be it

*Resolved, by the Senate, the House of Representatives, concurring herein,* That we heartily approve of, and favor the passage of what is known as the "service pension bill," thereby redeeming the pledge of 1888, "liberal pensions for soldiers." And we hereby most earnestly request our representatives in congress to exercise their influence and use their endeavors to secure the passage of the above measure.

Adopted by the senate May 24, 1889.

Concurred in by the house of representatives May 26, 1889.

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## REVENUE, JOINT COMMITTEE.

*Resolved, by the house of representatives the senate concurring herein,* That a joint committee on revenue be appointed, consisting of nineteen members, eleven members to be appointed by the speaker and eight by the Senate.

Adopted by the house, March 2, 1889.

Concurred in by the senate March, 7, 1889.

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## RIVER IMPROVEMENT, DES PLAINES AND ILLINOIS.

WHEREAS, The Illinois river, from LaSalle to Grafton, is the remnant of an ancient stream bed bordered by wide and low bottom land, much cut up by lake, bayou, and marsh; an alluvial stream of small, low water volume and sluggish current, with a declivity of only 26 feet in 225 miles, a declivity so small as to require a large volume of water to maintain an effective channel; a stream which in its natural condition is able to maintain but a small depth through the deposits with which the tributaries constantly tend to choke the channel; a tendency ever increasing with the inhabitation of the water-shed and the cultivation and reclamation of lands.

WHEREAS, The erection of dams with a view to the creation of pools of slack water for the purpose of navigation, diminishes the scouring force of the current at medium and low stages and promotes channel decay, causes deposits in the mouths of tributaries and the more ready overflow of the bottom lands; and generally the tendency is to restore the natural channel of equilibrium at a higher level with great ultimate injury to the valley from overflow and unhealthfulness, a tendency already exhibited in a notable degree from the conditions created by the dams erected by the State at Henry and Copperas creek in 1872 and 1877 respectively.

WHEREAS, The completion by the United States of the dams at LaGrange and Campsville will raise the general level of the river below Copperas creek by several feet and promote all those injurious tendencies to channel decay, with overflow and unhealthfulness already exhibited through the agency of the state works at Henry and Copperas creek.

WHEREAS, The official report of the United States for 1868 showed that it was practicable to obtain by dredging and a minimum low water volume at Peru of 38,000 cubic feet per minute, a channel for navigation of a width of 160 feet and a depth exceeding four feet, and the official report for 1880 showed that it was practicable to obtain a channel for navigation 200 feet wide and six feet deep by dredging, and a minimum flow of 94,000 cubic feet per minute in the river below Copperas creek, and that the cost was not materially different from the cost of the improvement by locks and dams.

WHEREAS, The present addition to the low water volume of the Illinois river through the summit level of the Illinois and Michigan canal from lake Michigan more than doubles the volume of water used in the estimate of 1868 for the channel below Peru and adds 50 per cent. to the volume used in the estimate of 1880 for the channel below Copperas creek and said

contribution from lake Michigan will be increased in the immediate future thus enabling the depth now projected for navigation below Peru to be obtained by channel improvement at moderate cost and with decided advantage to material interests and to healthfulness along the valley.

WHEREAS, It is contemplated to increase the volume from lake Michigan to 300,000 cubic feet per minute within a few years and ultimately to add 600,000 cubic feet or more, thus enabling a large depth for navigation to be obtained by an improved channel, and that said channel will be self-sustaining and self-improving and will discharge flood waters more readily thus benefitting the bordering lands and increasing the healthfulness of the valley.

WHEREAS, Works now projected by the city of Chicago will form part of a water-way of large proportions from lake Michigan via the DesPlaines and Illinois rivers to the Mississippi river, of which the dams and locks upon the alluvial section of the Illinois river can form no part and which, if allowed to remain, will increase the overflow and be detrimental to the welfare of the Illinois valley and the interests of the State. Therefore be it

*Resolved, by the senate the house of representatives, concurring herein,*

1. That it is the policy of the state of Illinois to procure the construction of a water-way of the greatest practicable depth and usefulness for navigation from Lake Michigan via the DesPlaines and Illinois rivers, to the Mississippi river, and to encourage the construction of feeders thereto of like proportions and usefulness.

2. That the United States is hereby requested to stop work upon the locks and dams at LaGrange at Campsville and to apply all funds available and future appropriations to the improvement of the channel from LaSalle to the mouth with a view to such a depth as will be of present utility and in such manner as to develop progressively all the depth practicable by the aid of a large water supply from lake Michigan at Chicago.

3. That the United States is requested to aid in the construction of a channel not less than 160 feet wide and 22 feet deep with such a grade as to give a velocity of 3 miles per hour from lake Michigan at Chicago to lake Joliet, a pool of the DesPlaines river, immediately below Joliet, and to project a channel of similar capacity and not less than 14 feet deep from lake Joliet to LaSalle all to be designed in such manner as to permit future development to a greater capacity.

Adopted by the house May 27, 1890.

Concurred in by the senate May 28, 1889.

## RULES, JOINT; APPOINTMENT OF COMMITTEE.

*Resolved, by the house of representatives, the senate concurring herein,* That there shall be a joint committee consisting of three from the house and two from the senate, to prepare and report joint rules for the regulation and conduct of business between the two houses.

Adopted by the house January 17, 1889.

Concurred in by the senate January 18, 1889.

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## SCHOOL LAWS, PRINTING.

*Resolved, by the senate of the state of Illinois, the house of representatives concurring herein,* That the Superintendent of Public Instruction be authorized to secure from the Secretary of State a certified copy of the school laws, and cause twenty-five thousand (25,000) copies of the same to be printed in pamphlet form for distribution among the school officers of the State.

Adopted by the senate May 27, 1889.

Concurred in by the house of representatives May 27, 1889.

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## UNITED STATES SENATOR, ELECTION OF.

*Resolved, by the senate, the house of representatives concurring herein,* That on Tuesday, the 22d day of January, instant, at 11 o'clock A. M., each house shall by itself, and in the manner prescribed by sections 14 and 15 of the revised statutes of the United States, name a person for senator in congress of the United States, from the state of Illinois, for a term of six years from the 4th day of March A. D., 1889. And on Wednesday, the 23d day of January, instant, at 12 o'clock meridian, the members of the two houses shall convene in joint assembly in the hall of the house of representatives, and in the manner prescribed by law, declare the person who has received a majority of the votes in each house, if any person has received such majority, duly elected senator to represent the state of Illinois in the congress of the United States for the term aforesaid; and if no one person has received such majority, then proceed as prescribed in said law in joint assembly, to choose a person for the purpose aforesaid.

Adopted by the senate January 21, 1889.

Concurred in by the house of representatives January 22, 1889.

## STATE OFFICERS, NOTICE OF ELECTION.

*Resolved, by the house of representatives, the senate concurring herein,* That a joint committee—three on the part of the house and two on the part of the senate—be appointed to wait on the Hon. Jos. W. Fifer, and inform him of his election to the office of Governor of this State; and that they also inform the Hon. Lyman B. Ray of his election to the office of Lieutenant-Governor of this State, and invite them to meet the two houses at 2 o'clock on Monday, January 14, A. D. 1889, for the purpose of taking their oaths of office.

Adopted by the house January, 1889.

Concurred in by the senate January 11. 1889.

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## STATE TREASURY, CONDITION OF.

WHEREAS, Many appropriation bills are now being considered by the general assembly, upon which members cannot act advisably without further information, therefore, be it

*Resolved, by the senate, the house of representatives concurring herein,* that the finance committee of the senate and house are hereby instructed to ascertain and report as soon as practicable,

*First*—The amount of money in the State treasury, and the condition as to security of the vaults and safes of the treasury.

*Second*—The unexpended balance of existing appropriations.

*Third*—An estimate of the probable amount of money required for all state purposes during the two years commencing July 1, 1889.

*Fourth*—The estimated amount of state revenue to come into the treasury before the end of the current fiscal year.

Adopted by the senate, March 8, 1889.

Concurred in by the house, March 21, 1889.

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## HON. RICHARD W. TOWNSHEND, DEATH OF.

WHEREAS, The sad intelligence comes from the capital of the nation that one of the representatives in congress from the state of Illinois has suddenly deceased, in the prime and vigor of manhood; therefore be it

*Resolved, by the house of representatives, the senate concurring herein,* That in the death of Richard W. Townshend, of Gallatin county, and member of congress from the nineteenth district of this State, the country has lost an able, well-tried and faithful representative; the people of the State a vigilant, watchful and eloquent champion, and his family a beloved husband and father; that in every relation of life as circuit clerk, state's attorney, congressman and citizen, he was always true and honorable.

*Resolved,* That these resolutions be engrossed and a copy transmitted to the family of the deceased.

Adopted by the house, March 12, 1889.

Concurred in by the senate, March 13, 1889.

UNITED STATES OF AMERICA, }  
STATE OF ILLINOIS. } ss.

I, ISAAC N. PEARSON, Secretary of State of the State of Illinois, do hereby certify that the foregoing Acts and Joint Resolutions of the Thirty-Sixth General Assembly of the State of Illinois are true and correct copies of the original acts and joint resolutions now on file in the office of the Secretary of State, with the exception of words, letters and figures printed in brackets, thus: [ ].

IN WITNESS WHEREOF, I have hereto set my hand and affixed the Great Seal of State, at Springfield, this 22d day of June, A. D. 1889.

[SEAL.]

I. N. PEARSON,  
*Secretary of State.*

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